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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

EMERGENCY RULE

15 CSR 60-15.010 Definitions

PURPOSE: This rule defines terms used in section 285.525, RSMo Supp. 2008.

EMERGENCY STATEMENT: The 94th General Assembly amended the provisions of Chapter 285 through the passage of House Bill No. 1549. Sections 285.525 through 285.550, RSMo, are new sections relating to the employment of unauthorized aliens within the state of Missouri. These sections were effective January 1, 2009, and require the attorney general to promulgate rules to implement their provisions. This emergency rule is necessary to protect a compelling governmental interest in that without regulations implementing the provisions of these newly effective sections, there may be business entities or state residents with obligations under the law without a mechanism in place for compliance with those obligations. The provisions in this rule will provide business entities and state residents with access to forms and procedures necessary to assist in compliance with the obligations of the statute. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Office of the Attorney General believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed March 2, 2009, effective March 12, 2009, and expires September 7, 2009.*

(1) The terms used in Title 15, Division 60, Chapter 15 of the *Code of State Regulations* bear the same meaning in the rules pertaining to unauthorized alien workers as they do in section 285.525, RSMo Supp. 2008, as amended from time-to-time.

(2) The following definitions further clarify terms used in section 285.525, RSMo Supp. 2008, and Title 15, Division 60, Chapter 15 of the *Code of State Regulations*:

(A) "Business Entity"—in addition to the definition as used in section 285.525(1), RSMo Supp. 2008, business entities include limited liability corporations (LLCs);

(B) "Identity Information"—includes a copy of a passport or two (2) of the following: birth certificate, driver license, or Social Security card; OR an E-verify case verification number and/or dated verification report received from the federal government; and

(C) "State administered or subsidized tax credit, tax abatement, or loan" includes credits provided under section 99.845.4–.12, RSMo 2000.

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

EMERGENCY RULE

15 CSR 60-15.020 Form of Affidavit

PURPOSE: This rule prescribes the form of affidavit to be submitted by business entities or employers who fall under the provisions of section 285.530, RSMo Supp. 2008.

EMERGENCY STATEMENT: The 94th General Assembly amended the provisions of Chapter 285 through the passage of House Bill No. 1549. Sections 285.525 through 285.550, RSMo, are new sections relating to the employment of unauthorized aliens within the state of Missouri. These sections were effective January 1, 2009, and require the attorney general to promulgate rules to implement their provisions. This emergency rule is necessary to protect a compelling governmental interest in that without regulations implementing the provisions of these newly effective sections, there may be business entities or state residents with obligations under the law without a mechanism in place for compliance with those obligations. The provisions in this rule will provide business entities and state residents with access to forms and procedures necessary to assist in compliance with the obligations of the statute. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Office of the Attorney General believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed March 2, 2009, effective March 12, 2009, and expires September 7, 2009.*

(1) As a condition for the award of any contract or grant in excess of five thousand dollars ($5,000) by the state or by any political subdivision of the state to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall submit an affidavit containing the following:

(A) A statement that the business entity has enrolled in, and is currently participating in, E-verify, a federal work authorization program, or any other equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986 (IRCA);

(B) A statement that the business entity does not knowingly employ any person who is an unauthorized alien in conjunction with the contracted services; and

(C) A notarized signature of the registered agent, legal representative of the business entity, or a corporate officer, including, but not limited to, the human resources director of the business entity or their equivalent.

(2) Within ninety (90) days of the effective date of this regulation, any business entity having a contract or grant in excess of five thousand dollars ($5,000) from the state, a political subdivision, municipality, or county shall submit an affidavit to the state or appropriate political subdivision, municipality, or county in the form set forth above in section (1).

(3) Within ninety (90) days of the effective date of this regulation, any business entity receiving a state administered or subsidized tax credit, tax abatement, or loan from the state shall submit an affidavit to the state in the form set forth above in section (1).

(4) Employers shall retain a copy of the dated verification report received from the federal government.

AUTHORITY: *section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. A proposed rule covering this same material is published in this issue of the* ***Missouri Register****.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

EMERGENCY RULE

15 CSR 60-15.030 Complaints

PURPOSE: This rule prescribes procedures for filing complaints that a business entity or employer has knowingly employed, hired for employment, or continued to employ an unauthorized alien to perform work in Missouri in violation of section 285.530, RSMo Supp. 2008.

EMERGENCY STATEMENT: The 94th General Assembly amended the provisions of Chapter 285 through the passage of House Bill No. 1549. Sections 285.525 through 285.550, RSMo, are new sections relating to the employment of unauthorized aliens within the state of Missouri. These sections were effective January 1, 2009, and require the attorney general to promulgate rules to implement their provisions. This emergency rule is necessary to protect a compelling governmental interest in that without regulations implementing the provisions of these newly effective sections, there may be business entities or state residents with obligations under the law without a mechanism in place for compliance with those obligations. The provisions in this rule will provide business entities and state residents with access to forms and procedures necessary to assist in compliance with the obligations of the statute. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Office of the Attorney General believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed March 2, 2009, effective March 12, 2009, and expires September 7, 2009.*

(1) State officials, business entities, or any state resident may file a complaint with the Missouri Attorney General's Office that a business entity or employer has knowingly employed, hired for employment, or continued to employ an unauthorized alien to perform work in Missouri in violation of section 285.530, RSMo Supp. 2008.

(2) Persons wishing to file a complaint may request a complaint form from the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102 or may download and print off the form from the Missouri Attorney General's website at www.ago.mo.gov.

(3) A complaint form must be completed in its entirety, and the person submitting a complaint must—

(A) Provide information about the business entity or employer alleged to be violating the statute;

(B) Provide their contact information;

(C) Verify that they are either: a Missouri resident, a state official or a registered agent, corporate officer, or legal representative of the business entity;

(D) A detailed description of the violation;

(E) A declaration under the penalty of perjury that the complaint is true and correct to the best of their knowledge and belief; and

(F) A notarized signature.

(4) Complaints cannot allege a violation solely or primarily on the basis of national origin, ethnicity, or race.

(5) Completed complaint forms should be returned to the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102.

AUTHORITY: *section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. A proposed rule covering this same material is published in this issue of the* ***Missouri Register****.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

EMERGENCY RULE

15 CSR 60-15.040 Investigation of Complaints

PURPOSE: This rule describes the process related to investigating valid complaints authorized by section 285.535, RSMo Supp. 2008.

EMERGENCY STATEMENT: The 94th General Assembly amended the provisions of Chapter 285 through the passage of House Bill No. 1549. Sections 285.525 through 285.550, RSMo, are new sections relating to the employment of unauthorized aliens within the state of Missouri. These sections were effective January 1, 2009, and require the attorney general to promulgate rules to implement their provisions. This emergency rule is necessary to protect a compelling governmental interest in that without regulations implementing the provisions of these newly effective sections, there may be business entities or state residents with obligations under the law without a mechanism

in place for compliance with those obligations. The provisions in this rule will provide business entities and state residents with access to forms and procedures necessary to assist in compliance with the obligations of the statute. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Office of the Attorney General believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed March 2, 2009, effective March 12, 2009, and expires September 7, 2009.*

(1) Upon the receipt of a valid complaint, the Missouri Attorney General's Office shall, within fifteen (15) days, send a request by certified mail to the business entity requesting identity information regarding person(s) alleged to be unauthorized alien(s).

(2) Identity information to be provided includes copies of the following:

(A) A passport; or

(B) Two (2) of the following: birth certificate, driver license, and Social Security card; or

(C) E-verify case verification number and/or dated verification report received from the federal government.

(3) The business entity shall provide the identity information within fifteen (15) days of the receipt of the request. If the business entity fails to do so, the Attorney General shall direct the applicable state agency, political subdivision, and municipal or county governing body to suspend any licenses or permits of the business entity unless the business entity submits as evidence, through its legal representative as noted in section (4) below, one (1) of the following within the fifteen (15)-day period:

(A) The business entity has terminated the individual, or is attempting to terminate the individual and is being challenged in court; or

(B) The business entity, after acquiring additional information from the employee, has requested a secondary or additional verification by the federal government of the employee's authorization.

(4) If a business entity fails to comply with the provisions of section 285.535.5(a), RSMo, he may ask the court to direct any applicable state agency, political subdivision, and municipal or county governing body to suspend any business permits or license of the business entity until the entity complies with section (6).

(5) If a business entity fails to comply with the provisions of section 285.535.5(b), RSMo, the attorney general may ask the court to direct any applicable state agency, political subdivision, and municipal or county governing body to suspend for fourteen (14) days any business permits or license of the business entity. The licenses or permits may be reinstated for entities who comply with section (6) at the end of the fourteen (14)-day period.

(6) Upon the first violation of subsection 1 of section 285.530, RSMo, by any business entity awarded a contract or grant by the state, a political subdivision, municipality, or county or any business entity receiving a state-administered tax credit, tax abatement, or loan or loan guarantee from the state shall be deemed in breach of contract and the state, political subdivision, municipality, or county may terminate the contract. Upon such termination the state, political subdivision, municipality, or county may withhold up to twenty-five percent (25%) of the total amount due to the business entity.

(7) Upon receipt of notice of such termination of a contract or grant or a violation of subsection 1 of section 285.530, RSMo, by the recipient of a state-administered tax credit, tax abatement, or loan or loan guarantee from the state, the attorney general shall suspend or debar the business entity from doing business with any state, political subdivision, municipality, or county for a period of three (3) years.

(8) The attorney general shall maintain on his website a list of all business entities suspended or debarred under this section.

(9) A person authorized to act of behalf of an employer shall submit a sworn affidavit to the Missouri Attorney General, PO Box 899, Jefferson City, MO 65102, stating the violation has ended and provide—

(A) Evidence of the specific measures taken to end the violation, which shall, at a minimum, include a notarized affidavit describing the events surrounding the termination of employment from the human resources director or other officer of the business entity whose duties include terminating the employment of employees, etc.;

(B) The name, address, and all identifying information available to the business entity concerning the unauthorized alien(s) related to the complaint; and

(C) Evidence that the business entity has enrolled in, and is currently participating in, E-verify, a federal work authorization program, or any other equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986 (IRCA).

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. A proposed rule covering this same material is published in this issue of the ***Missouri Register****.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

EMERGENCY RULE

15 CSR 60-15.050 Notification by Federal Government that Individual is Not Authorized to Work

PURPOSE: This rule describes the process to be utilized when the federal government notifies the Missouri Attorney General's Office that an individual is not authorized to work and the duties required of the employer by section 285.535, RSMo Supp. 2008.

EMERGENCY STATEMENT: The 94th General Assembly amended the provisions of Chapter 285 through the passage of House Bill No. 1549. Sections 285.525 through 285.550, RSMo, are new sections relating to the employment of unauthorized aliens within the state of Missouri. These sections were effective January 1, 2009, and require the attorney general to promulgate rules to implement their provisions. This emergency rule is necessary to protect a compelling governmental interest in that without regulations implementing the provisions of these newly effective sections, there may be business entities or state residents with obligations under the law without a mechanism in place for compliance with those obligations. The provisions in this rule will provide business entities and state residents with access to forms and procedures necessary to assist in compliance with the obligations of the statute. A proposed rule, which covers the same material, is published in this issue of the ***Missouri Register****. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the* ***Missouri*** *and* ***United States Constitutions****. The Office of the Attorney General believes this emergency rule is fair to all interested persons and parties under the circumstances. The emergency rule was filed March 2, 2009, effective March 12, 2009, and expires September 7, 2009.*

(1) Upon notification from the federal government to the Missouri Attorney General's Office that an individual is not authorized to work, and the employer participates in a federal work authorization program, the Missouri Attorney General's Office shall notify the employer to comply with section 285.535.6, RSMo Supp. 2008.

(2) The employer shall, through its legal representative as noted in section (3) below, submit evidence of one (1) of the following within thirty (30) days:

(A) The business entity has terminated the employment of the individual or is attempting to terminate the employment of the individual and is being challenged in court; or

(B) The business entity, after acquiring additional information from the employee, has requested a secondary or additional verification by the federal government of the employee's authorization.

(3) The legal representative of the business entity shall submit a sworn affidavit to the Missouri Attorney General, PO Box 899, Jefferson City, MO 65102, stating the violation has ended and provide—

(A) Evidence of the specific measures taken to end the violation, which shall, at a minimum, include a notarized affidavit describing the events surrounding the termination of employment from the human resources director or other officer of the business entity whose duties include terminating the employment of employees, etc.;

(B) The name, address, and all identifying information available to the business entity concerning the unauthorized alien(s) related to the complaint; and

(C) Evidence that the business entity has enrolled in, and is currently participating in, E-verify, a federal work authorization program, or any other equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986 (IRCA).

AUTHORITY: *section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. A proposed rule covering this same material is published in this issue of the* ***Missouri Register***.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2008.

EXECUTIVE ORDER
09-12

WHEREAS, the President of the United States has signed into law the American Recovery and Reinvestment Act of 2009 ("Recovery Act"); and

WHEREAS, it is essential for the State of Missouri to administer the Recovery Act in a manner that will create jobs, improve infrastructure, and transform our economy for the 21st century; and

WHEREAS, the Recovery Act requires that it be administered quickly and efficiently, consistent with prudent management, so as to achieve its purposes; and

WHEREAS, numerous programs and projects administered by executive branch departments of the State of Missouri are affected by the Recovery Act; and

WHEREAS, personnel in the executive branch departments are familiar with the eligible programs and projects and can provide invaluable assistance as the State of Missouri implements a strategy regarding the Recovery Act.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of Missouri, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri do hereby create and establish the Transform Missouri Initiative.

The Transform Missouri Initiative will analyze the American Recovery and Reinvestment Act of 2009, identify state programs and projects that could benefit from the Recovery Act, develop a coordinated plan designed to maximize the impact of the Recovery Act, and implement guidelines and practices that provide transparency and accountability.

The Transform Missouri Initiative will be placed within the Office of Administration for administrative purposes. Operational Directors for the Initiative will be the Governor's Director of Policy, the State Budget Director, and the Senior Counsel to the Governor for Budget & Finance. The Office of Administration will provide office space and administrative support for the Initiative.

The Initiative will be comprised of personnel from the following executive branch departments:

- Office of Administration
- Department of Agriculture
- Department of Corrections
- Department of Economic Development
- Department of Elementary and Secondary Education

- Department of Health and Senior Services
- Department of Insurance, Financial Institutions and Professional Registration
- Department of Labor and Industrial Relations
- Department of Mental Health
- Department of Natural Resources
- Department of Public Safety
- Department of Revenue
- Department of Social Services
- Department of Transportation

The Directors of each of the aforementioned executive branch departments will immediately assign to the Initiative at least one full-time employee who has an understanding of the programs and projects within their department that are or may be affected by the American Recovery and Reinvestment Act of 2009 and has knowledge and experience in procurement.

The Operational Directors may request additional employees be assigned to the Initiative from particular departments.

The Transform Missouri Initiative will expire on July 1, 2009, unless extended by executive order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 20th day of February, 2009.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

EXECUTIVE ORDER
09-13

WHEREAS, the severe winter weather that began on January 26, 2009, created a condition of distress and hazards to the safety and welfare of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions and other established agencies; and

WHEREAS, Executive Order 09-04 was issued on January 26, 2009, declaring a State of Emergency within the State of Missouri; and

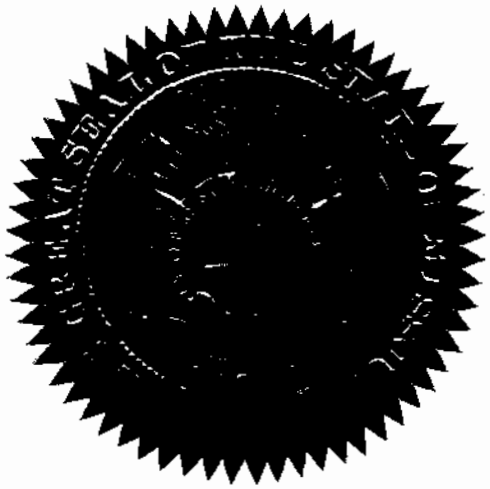
WHEREAS, Executive Order 09-07 was issued on January 30, 2009, authorizing the Acting Director of the Missouri Department of Natural Resources to waive or suspend temporarily the operation of statutory or administrative rules or regulations in order to expedite the cleanup and recovery process; and

WHEREAS, in response to Executive Order 09-07, the Acting Director of the Missouri Department of Natural Resources issued a waiver on January 30, 2009, suspending specific solid waste regulations to address wastes generated by the severe weather; and

WHEREAS, several communities in the state of Missouri continue to clear debris resulting from the severe weather; and

WHEREAS, Executive Order 09-04 expires on February 26, 2009, unless extended in whole or in part.

NOW THEREFORE, I, JEREMIAH W. (JAY) NIXON, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, hereby extend the declaration of emergency contained in Executive Order 09-04 and the terms of Executive Order 09-07 through March 31, 2009, for the purpose of continuing the cleanup efforts in the affected Missouri communities.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 25th day of February, 2009.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

PROPOSED AMENDMENT

4 CSR 240-20.065 Net Metering. The department is amending section (4) and the Interconnection Application/Agreement for Net Metering Systems with Capacity of One Hundred Kilowatts (100 kW) or Less.

PURPOSE: This amendment removes the recent imposition of insurance requirements on customer-generator systems of ten kilowatts (10kW) or less and reduces the insurance requirements for such systems greater than ten kilowatts (10kW) to their former levels.

(4) Customer-Generator Liability Insurance Obligation.

(A) Customer-generator systems **greater than** ten kilowatts (10 kW) *[or less]* shall carry no less than one hundred thousand dollars ($100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the net metering unit. Insurance may be in the form of an existing policy or an endorsement on an existing policy.

(B) Customer-generator systems *[greater than]* ten kilowatts (10 kW) **or less** shall *[carry no less than one million dollars ($1,000,000) of]* **not be required to carry** liability insurance*[.]*; **however, any tariff or contract offered by a utility or cooperative to customer-generators shall contain language stating that absent clear and convincing evidence of fault on the part of the retail electric supplier, those retail electric suppliers cannot be held liable for any action or cause of action relating to any damages to property or person caused by the generation unit of a customer-generator or the interconnection thereof pursuant to section 386.890.11, RSMo Supp. 2008. Further, any tariff or contract offered by utilities or cooperatives to customer-generators shall state that customer-generators may have legal liabilities not covered under their existing insurance policy in the event the customer-generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.**

INTERCONNECTION APPLICATION/AGREEMENT FOR NET METERING SYSTEMS WITH CAPACITY OF ONE HUNDRED KILOWATTS (100 kW) OR LESS

D. Additional Terms and Conditions

In addition to abiding by [Utility Name]'s other applicable rules and regulations, the Customer-Generator understands and agrees to the following specific terms and conditions:

2) Liability

Liability insurance is not required for Customer-Generators of ten kilowatts (10 kW) or less. For generators greater that ten kilowatts (10kW), the Customer-Generator agrees to carry no less than one hundred thousand dollars ($100,000) of liability insurance that provides for coverage of all risk of liability for personal injuries (including death) and damage to property arising out of or caused by the operation of the Customer-Generator's System. Insurance may be in the form of an existing policy or an endorsement on an existing policy. **Customer-generators, including those whose systems are ten kilowatts (10 kW) or less, may have legal liabilities not covered under their existing insurance policy in the event the customer-generator's negligence or other wrongful conduct causes personal injury (including death), damage to property, or other actions and claims.**

AUTHORITY: section 386.250, RSMo 2000. Original rule filed March 11, 2003, effective Aug. 30, 2003. Amended: Filed June 17, 2008, effective Feb. 28, 2009. Amended: Filed Feb. 20, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, written comments must be received at the commission's offices on or before May 1, 2009, and should include a reference to Commission Case No. EX-2009-0267. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at http://www.psc.mo.gov. A public hearing regarding this proposed amendment is scheduled for May 1, 2009, at 2:00 pm in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program

PROPOSED AMENDMENT

6 CSR 10-2.100 Public *[Service]* *Safety* Officer or Employee's Child Survivor Grant Program. The commissioner of higher education is amending the purpose and sections (1) through (6).

PURPOSE: This amendment updates statutory references, definitions, student eligibility requirements, the award policy, and institutional eligibility requirements and adds the information sharing policy.

*PURPOSE: The public [service] **safety** officer or employee's child survivor grant program, established by section 173.260, RSMo, authorizes the Coordinating Board for Higher Education to provide educational benefits for eligible Missouri residents who are public safety officers **who are** permanently and totally disabled in the line of duty or eligible children or spouses of certain public safety officers and certain public employees killed or permanently and totally disabled in the line of duty to attend an approved Missouri college or university. This rule sets forth qualifications required of student applicants for grant assistance [and qualifications which approved colleges or universities must meet].*

(1) Definitions.

(A) Academic year or the period of the grant is the period from *[August]* **July** 1 of any year through *[July 31]* **June 30** of the following year.

(B) Applicant shall mean an eligible child, spouse**,** or public safety officer, as defined in this rule, who *[applies to]* **has filed a complete and accurate application to receive a survivor grant as prescribed by** the *[coordinating board for a survivor grant]* **CBHE and who qualifies to receive such an award under section 173.260, RSMo**.

(C) *[Coordinating board or board]* **CBHE** is the Coordinating Board for Higher Education created by section 173.005, RSMo.

(F) *[Full-time student shall be an undergraduate student who is enrolled in and is carrying a sufficient number of credit hours or their equivalent (minimum twelve (12) credit hours) at an approved private or public Missouri institution to secure a degree or certificate.]* **Full-time student means a student who is enrolled in at least twelve (12) semester hours, eight (8) quarter hours, or the equivalent in another measurement system, but not less than the number sufficient to secure the certificate or degree toward which the student is working in no more**

than the number of semesters or their equivalent normally required by the institution for the program in which the student is enrolled, provided, however, that an otherwise eligible student having a disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101-12213) who, because of his or her disability, is unable to satisfy the statutory minimum requirements for full-time status under Title IV student aid programs shall be considered by the approved institution to be a full-time student and shall be considered to be making satisfactory academic degree progress, as defined in subsection (1)(N) of this rule, while carrying a minimum of six (6) credit hours or their equivalent at the approved institution.

(H) His, him, or he shall apply equally to the female as well as the male sex in this rule.

*[(H)]***(I)** Institution of postsecondary education or approved institution shall be any private or public institution located in Missouri that meets the requirements set forth in section 173.*[205]***1102**(2) or (3), RSMo.

*[(I)]***(J)** Line of duty shall mean any action of **an employee directly connected to their employment with the Department of Transportation, or of** a public safety officer, whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires, **and** who is authorized or obligated by law, rule, regulation**,** or condition of employment or service to perform **such function**.

(K) MDHE means the Missouri Department of Higher Education created by section 173.005, RSMo.

*[(J)]***(L)** Permanent and total disability shall mean a disability which renders a person unable to engage in any gainful work.

*[(K)]***(M)** Public safety officer shall be any firefighter, police officer, capitol police officer, parole officer, probation officer, state correctional employee, water safety officer, park ranger, conservation officer**,** or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed or permanently and totally disabled in the line of duty.

*[(L)]***(N)** Satisfactory academic progress shall be determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965.

*[(M)]***(O)** Similar program funds shall be need-based funds an applicant receives under any federal or state grant aid programs.

*[(N)]***(P)** Spouse shall mean the husband, wife, widow**,** or widower of a public safety officer or employee at the time of death or permanent and total disability of such public safety officer or employee.

[(O) Standard admissions policies shall be policies approved and published by the approved institution to admit students having a certificate of graduation or the equivalent of this certificate and to allow the early admission of superior high school students.]

*[(P)]***(Q)** Survivor grant or grant shall mean the public safety officer or employee survivor grant as established by section 173.260, RSMo.

*[(Q)]***(R)** Tuition or incidental fee shall be the amount charged for nondesignated and unrestricted fees by an institution of postsecondary education for an applicant to attend full-time at that institution as a resident of the state of Missouri.

(2) Responsibilities of Institutions of Postsecondary Education. Institutions participating in the Public Safety Officer or Employee Survivor Grant program must meet the requirements set forth in 6 CSR 10-2.140, Institutional Eligibility for Student Participation.

*[(2)]***(3)** *[Applicant Qualifications and Responsibilities]* **Eligibility Policy**.

(A) To be eligible for grant assistance under the survivor grant program, an applicant must meet the following conditions:

1. Be a citizen or permanent resident of the United States;

2. Be a resident of Missouri;

3. Be an eligible child or spouse of a public safety officer or employee who was killed or permanently and totally disabled in the line of duty; or be a public safety officer who was permanently and totally disabled in the line of duty;

4. Be enrolled or accepted for enrollment as a full-time undergraduate student in a course of study leading to a certificate or an associate or baccalaureate degree at an approved institution for the period of the grant;

5. Maintain satisfactory academic progress in his*[/her]* course of study, according to standards determined by the approved institution; and

6. Complete an application for grant assistance according to the provisions of this rule.

(B) No award shall be made under section 173.260, RSMo to any applicant who is enrolled or who intends to use the award to enroll in a course of study leading to a degree in theology or divinity.

(C) Grant assistance shall be allotted for one (1) academic year, but an applicant shall be eligible for renewed assistance until *[s/]*he has obtained a baccalaureate degree or, only in the case of an applicant who is an eligible child, has reached age twenty-four (24) years, whichever occurs first, except that the applicant may receive such grant assistance through the completion of the semester or similar grading period in which the eligible child reaches his*[/her]* twenty-fourth year.

(D) An eligible child of a public safety officer or employee, spouse of a public safety officer, or public safety officer shall cease to be eligible for a grant pursuant to section 173.260, RSMo, when the public safety officer or employee is no longer permanently and totally disabled.

[(3) Responsibilities of Institutions of Postsecondary Education.

(A) Approved institutions shall meet the following requirements:

1. Comply with the provisions of section 173.205(2) or (3), RSMo;

2. Admit students based on the approved institution's standard admissions policies;

3. Establish fair and equitable refund policies covering tuition, fees, and where paid to the school, room and board charges. The institution's refund policy shall be the same policy which is utilized by the institution for refunding funds under federal Title IV financial aid programs included in the Higher Education Act of 1965;

4. Sign the agreement for institution of postsecondary education participation in the survivor grant program as provided by the coordinating board; and

5. Complete the institution's section of the survivor grant program application to verify the applicant's eligibility for the grant program and send to the coordinating board for approval for the current academic year.

(B) When the approved institution receives the survivor grant program funds for the awards made by the coordinating board, the approved institution shall—

1. Determine if the applicant is enrolled full-time and making satisfactory academic progress in his/her course of study according to standards determined by the approved institution;

2. Deliver the grant program funds to the applicant in the amount awarded to that applicant by the coordinating board, or the approved institution must obtain the applicant's endorsement to retain the portion of the award which the applicant owes for tuition or incidental fees for the current academic year to that particular approved institution;

3. Notify the coordinating board if, prior to disbursement, the applicant to whom an award has been made has not enrolled full-time, or has indicated that s/he does not

plan to enroll full-time, and return the applicant's check within thirty (30) days of learning these facts;

4. Be responsible for the repayment of survivor grant funds to the coordinating board if the grant funds were delivered erroneously to the applicant; and

5. Determine and calculate the amount of refunds to the coordinating board based on the refund formula of the approved institution for applicants who withdraw during the institution's refund period.

(C) Repayment under paragraph (3)(B)4. of this rule shall be necessary when the—

1. Approved institution delivers funds to an applicant not eligible under the survivor grant program;

2. Award was based on erroneous, improper or misleading information provided by the approved institution to the coordinating board; or

3. Approved institution delivers the grant funds to a person other than the one to whom the coordinating board has directed the funds be delivered.]

(4) Application and Evaluation **Policy**.

(A) The *[coordinating board]* **CBHE** annually shall prescribe the form of, and the time and method of filing, applications under the survivor grant program.

(B) An application for grant assistance under the survivor grant program shall be made annually by the applicant on the form prescribed by the *[coordinating board]* **CBHE**.

(C) Completed applications must be received by the *[coordinating board]* **MDHE** to be approved for grant awards.

(5) *[Survivor Grant Program Award Limits and Criteria]* **Award Policy**.

(A) The maximum survivor grant program award amount for each applicant per academic year shall be the *[least]* **lesser** of the actual tuition and incidental fees charged at *[an]* **the** approved institution (maximum twelve (12) credit hours) where the applicant is enrolled or accepted for full-time enrollment; or the amount of tuition and incidental fees charged a Missouri undergraduate resident enrolled full-time (maximum twelve (12) credit hours) in the same class level (freshman, sophomore, junior, senior) and in the same academic major of the applicant at the University of Missouri.

(D) *[The award amount for any given academic year will be disbursed to the approved institution, equally, according to the number of semesters at that particular approved institution and awarded for each semester of enrollment.]* **Award amounts will be calculated and issued for each semester of enrollment in a given academic year and will be disbursed to the approved institution.**

(F) An applicant may change his*[/her]* approved institution choice prior to the beginning of the first day of classes and may transfer between approved institutions during the academic year. *[The deadline for those actions is August 1 for the fall semester and January 1 for the winter or spring semester.]* **A new application is required to transfer the award.** Failure to notify the *[coordinating board]* **MDHE** by these dates of the change may result in loss of the award.

(G) Award notifications will be sent to applicants by the *[coordinating board]* **MDHE** once applications have been approved and the awards have been determined. Notification of awards also will be sent to the student financial aid office at the approved institution in which the applicant plans to or has enrolled.

(H) The applicant's award will be sent to the approved institution to be endorsed by the applicant *[in accordance with the requirements of subsection (3)(B) of this rule]*. **The institution shall retain the portion of the award that the student owes for expenses and promptly give the applicant any remaining funds.**

[(I) Should an applicant withdraw prior to the end of the approved institution's refund period for the period of the award, then a refund shall be calculated and made to the coordinating board by the approved institution within forty (40) days from the day on which the applicant withdraws. The amount of the refund will be calculated by the approved institution based on the refund formula of that institution in accordance with paragraph (3)(A)3. of this rule.]

(6) Information Sharing Policy. All information on an individual's survivor grant application will be shared with the financial aid office of the institution to which the individual has applied or is attending to permit verification of data submitted. Information may be shared with federal financial aid offices if necessary to verify data furnished to the state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. 552a.

*AUTHORITY: section 173.260, RSMo [Supp. 1998] **2000**. Original rule filed April 29, 1988, effective July 28, 1988. Amended: Filed May 27, 1999, effective Jan. 30, 2000. Amended: Filed Feb. 20, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance, Outreach, and Proprietary School Certification, Kelli Reed, Student Assistance Associate, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program

PROPOSED AMENDMENT

6 CSR 10-2.120 Competitiveness Scholarship Program. The commissioner of higher education is amending sections (1) through (6).

PURPOSE: This amendment updates statutory references, definitions, student eligibility requirements, the award policy, and institutional eligibility requirements and adds the information sharing policy.

(1) Definitions.

(A) Academic year or period of the scholarship is the period from *[August]* **July** 1 of any year through *[July 31]* **June 30** of the following year.

(B) Applicant *[is anyone]* **means a student** who applies to the *[coordinating board]* **MDHE** for a scholarship under the competitiveness scholarship program **as prescribed by the CBHE and who meets the criteria to receive such an award under section 173.262, RSMo, and this administrative rule**.

(C) Approved institution *[shall be]* **means** any *[private or public]* institution located in Missouri that meets the requirements set forth in section 173.*[205]***1102**(2) or (3), RSMo**, and that has been approved under 6 CSR 10-2.140**.

(D) *[Competitiveness scholarship assistance or award]* **Award amount** shall be an amount of money paid by Missouri to a qualified applicant pursuant to the provisions of this rule.

(F) *[Coordinating board or board is]* **CBHE means** the Coordinating Board for Higher Education created by section 173.005, RSMo.

(G) Expenses shall be undergraduate tuition or incidental fees for the current academic year.

*[(G)]***(H)** Financial need shall be the difference between the total financial resources available to an applicant and the applicant's total cost of attendance, including tuition, fees, room and board, books and supplies, personal expenses**,** and transportation while attending part-time at an approved institution.

*[(H)]***(I)** Financial resources shall be the amount of financial assistance (scholarship, grant, work*[, loan]*) awarded to the applicant by the approved institution and the amount of the applicant's expected family contribution as *[determined by any multiple data entry (MDE) processor approved]* **calculated annually** by the United States Department of Education **as a result of an official federal need analysis based on the student's federal need-based application form**.

(J) His, him, or he shall apply equally to the female as well as the male sex where applicable in this rule.

*[(I)]***(K)** Initial recipient shall be any applicant who meets the eligibility requirements and is awarded and received a competitiveness scholarship for the first time.

(L) MDHE means the Missouri Department of Higher Education created by section 173.005, RSMo.

*[(J)]***(M)** Part-time student shall be any undergraduate student who is enrolled less than full-time but at least half-time in a degree program as defined by the approved private or public Missouri institution.

*[(K)]***(N)** Renewal recipient shall be any applicant who received a competitiveness scholarship as an initial recipient under the competitiveness scholarship program and meets the eligibility requirements under the provisions of this rule and requirements as defined by the approved institution*[,]* and is awarded and received a renewable competitiveness scholarship under the competitiveness scholarship program as a second-year, third-year**,** or fourth-year undergraduate student at an approved institution in Missouri.

*[(L)]***(O)** Resident of Missouri is any person who meets the requirements for resident status for Missouri as set forth by the *[coordinating board]* **CBHE** in 6 CSR 10-3.010**,** the residency rule for higher education.

*[(M)]***(P)** *[Satisfactory academic degree progress or satisfactory]* **Satisfactory** academic progress shall be a cumulative grade point average (CGPA) of at least two and one-half (2.5) on a four-point (4.0) scale or the equivalent on another scale and, with the exception of grade point average, as otherwise determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965. Calculation of CGPA shall be based on the approved institution's policies as applied to other students in similar circumstances.

[(N) Standard admissions policies shall be policies approved and published by the approved institution to admit part-time students and students having a certificate of graduation from high school or the equivalent of that certificate.]

*[(O)]***(Q)** Undergraduate student shall be any student who has not obtained a first baccalaureate degree.

(2) *[Student Applicant Qualifications and Responsibilities]* **Basic Eligibility Policy**.

(A) To be eligible for **an** initial or renewed *[scholarship]* **award** under the competitiveness scholarship program, an applicant must—

1. Be a citizen or permanent resident of the United States;

2. Be a resident of Missouri;

3. Be enrolled or accepted for enrollment as a part-time undergraduate student at an approved institution for the period of the scholarship;

[4. Maintain satisfactory academic progress in a course of study, according to standards determined by the approved institution;]

*[5.]***4.** Complete an application for scholarship assistance according to the provisions of this rule;

*[6.]***5.** Demonstrate financial need **based on a positive result from subtracting financial resources from the cost of attendance**;

*[7.]***6.** Be eighteen (18) years of age or older at the time the application is submitted to the *[coordinating board]* **MDHE**;

*[8.]***7.** Be employed and compensated for twenty (20) hours or more per week; and

*[9.]***8.** Not be employed under the federal Title IV College Work-Study Program.

(B) To be eligible for a renewal scholarship under the competitiveness scholarship program, an applicant must meet the requirements in subsection (2)(A) of this administrative rule and maintain satisfactory academic progress in a course of study.

*[(B)]***(C)** No award shall be made under section 173.262, RSMo**,** to any applicant who is enrolled or who intends to use the award to enroll in a course of study leading to a degree in theology or divinity.

*[(C)]***(D)** Scholarship assistance shall be allotted for one (1) academic year, but an applicant shall be eligible for renewed assistance until *[s/]*he has obtained a baccalaureate degree or completed one hundred fifty (150) semester credit hours.

(3) Responsibilities of *[Approved]* Institutions **of Postsecondary Education. Institutions participating in the competitiveness scholarship program must meet the requirements set forth in 6 CSR 10-2.140, Institutional Eligibility for Student Participation**.

[(A) Approved institutions shall—

1. Comply with the provisions included in section 172.205(2) or (3) RSMo;

2. Admit students based on the approved institution's standard admissions policies;

3. Submit a copy of the institution's policy on satisfactory academic degree progress to the coordinating board;

4. Establish fair and equitable refund policies covering tuition, fees and, where paid to the school, room and board charges. That refund policy shall be the same policy which is utilized by the approved institution for refunding all federal Title IV financial aid programs included in the Higher Education Act of 1965;

5. Sign the agreement for educational institution participation in the competitiveness scholarship program as provided by the coordinating board;

6. Systematically organize all student records (student financial aid, registrar, business office) pertaining to student recipients under the scholarship program to be made readily available for review upon request by the coordinating board;

7. Complete the institution's section of the competitiveness scholarship program application to verify the student's eligibility for the scholarship program and submit it to the coordinating board by the annual deadline published by the coordinating board for the current academic year; and

8. Determine if the student applicant has demonstrated financial need.

(B) When the approved institution receives the competitiveness scholarship program funds for the awards made by the coordinating board, the approved institution must—

1. Determine if the applicant is enrolled part-time and is making satisfactory academic progress in a course of study according to standards determined by the approved institution;

2. Determine if the applicant is employed twenty (20) hours or more per week at the time the award is delivered to the applicant;

3. Deliver the scholarship program funds to the applicant in the amount awarded to that applicant by the coordinating board and obtain the applicant's endorsement, retaining the portion of the award which the applicant owes for undergraduate tuition or incidental fees for the current academic year to that particular approved institution;

4. Notify the coordinating board and return the applicant's check within thirty (30) days of learning, prior to disbursement, that the applicant to whom an award has been made has not enrolled part-time, has indicated that s/he does not plan to enroll part-time or does not meet the other student eligibility requirements;

5. Be responsible for the repayment of any competitiveness scholarship funds sent to the approved institution by the coordinating board if the scholarship funds were delivered erroneously; and

6. Determine and calculate the amount of refunds to the coordinating board based on the refund formula of the approved institution for applicants who withdraw during the institution's refund period. The coordinating board may refuse to award scholarships to applicants who attend approved institutions which fail to make timely refunds to the coordinating board.

(C) Repayment under paragraph (3)(B)5. of this rule shall be necessary when the—

1. Approved institution delivers funds to an applicant not eligible under the competitiveness scholarship program;

2. Award was based on erroneous, improper or misleading information provided by the approved institution to the coordinating board; or

3. Approved institution delivers the scholarship funds to a person other than the one to whom the coordinating board has directed the funds be delivered.]

(4) Application and Evaluation **Policy**.

(A) The *[coordinating board]* **CBHE** annually shall prescribe the form of, and the time and method of filing**,** applications for participation in the competitiveness scholarship program.

(B) An application for *[scholarship assistance]* **an award** under the competitiveness scholarship program shall be made annually by the applicant upon the form prescribed by the *[coordinating board]* **CBHE**.

(C) Completed applications must be received by the *[coordinating board]* **MDHE** to be approved for scholarship awards.

(D) The deadline for receiving completed competitiveness scholarship applications will be published annually by the *[coordinating board]* **MDHE** for each academic year. Completed applications must be received by the *[coordinating board]* **MDHE** on or before the published deadline to be considered on time and to have priority consideration. Incomplete applications received by the *[coordinating board]* **MDHE** will not be processed.

(E) Completed competitiveness scholarship applications received after the annual deadline published by the *[coordinating board]* **MDHE** will be awarded provided program funds are available, based on a review by the *[coordinating board]* **MDHE**.

(5) *[Competitiveness Scholarship Program Award Limits and Criteria]* **Award Policy**.

(A) Within the limits of the funds appropriated and made available, the maximum *[competitiveness scholarship program]* award amount for each applicant per academic year shall be the *[least]* **lesser** of the actual undergraduate tuition charged at an approved institution where the applicant is enrolled or accepted for part-time enrollment or the amount of tuition charged a Missouri undergraduate resident enrolled part-time in the same class level (freshman, sophomore, junior, senior) and in the same academic major of the applicant at the University of Missouri-Columbia.

(B) For part-time students enrolled in courses totaling six (6), seven (7)**,** or eight (8) semester credit hours, or the equivalent, the award amount shall be calculated based on six (6) semester credit hours. For part-time students enrolled in courses totaling nine (9), ten (10), or eleven (11) semester credit hours, or the equivalent, the award amount shall be calculated based on nine (9) semester credit hours.

[(C) Financial need shall be used by the approved institution in determining applicant eligibility for awards under the competitiveness scholarship program.]

*[(D)]***(C)** The first year of the competitiveness scholarship program funds shall be awarded only to applicants as initial recipients.

*[(E)]***(D)** Applicants who qualify as initial recipients under the provisions of this rule in the second and each subsequent year of the program will be awarded based on the availability of program funds.

*[(F)]***(E)** If sufficient program funds are unavailable to award to initial recipients, the awards will be made based on the earliest date the completed applications are received by the *[coordinating board]* **MDHE** until all funds have been expended.

*[(G)]***(F)** During the second and each subsequent year in which awards are made under the competitiveness scholarship program, the renewal recipients shall have priority in the awarding of program funds. If sufficient program funds are unavailable to award all eligible renewal recipients, priority for program funds shall be awarded based on the earliest date the completed application is received by the *[coordinating board]* **MDHE** in the following order: fifth-year, fourth-year, third-year**,** and second-year students as defined by the approved institution.

[(H) An applicant receiving an award under the competitiveness scholarship program shall have made satisfactory academic progress as defined by the approved institution and meet all other eligibility criteria according to the provisions of this rule to be eligible for a subsequent award under the competitiveness scholarship program.]

*[(I)]***(G)** *[The award]* **Award** amount**s** *[for any given academic year]* will be *[disbursed to the approved institution, equally, according to the number of semesters at the approved institution and awarded]* **calculated and issued** for each semester of part-time enrollment **in a given academic year and will be disbursed to the approved institution**.

*[(J)]***(H)** Awards will not be made for periods of enrollment during the summer term(s).

*[(K)]***(I)** An applicant's approved institution choice may be changed *[prior to the beginning of the first day of classes]* and **the applicant** may transfer between approved institutions during the academic year **by the deadline established by the MDHE**. *[The deadline for these actions is August 1 for the fall semester and January 1 for the winter or spring semester.]* Failure to notify the *[coordinating board]* **MDHE** by the prescribed dates of this action may result in loss of the award.

[(L) Award notifications will be sent to applicants by the coordinating board after the awards have been determined. Notification of awards also will be sent to the student financial aid office at the approved institution where the applicant plans to or has enrolled.]

*[(M)]***(J)** The applicant's award **amount** will be sent to the approved institution to be endorsed by the applicant *[in accordance with the requirements of subsection (3)(B) of this rule]*. **The institution shall retain the portion of the award that the student owes for expenses and promptly give the applicant any remaining funds.**

[(N) Should an applicant withdraw prior to the end of the approved institution's refund period during the period of the scholarship, then a refund shall be calculated and made to the coordinating board by the approved institution within forty (40) days from the day on which the applicant withdraws. The amount of the refund will be calculated by the approved institution based on the refund formula of that institution.]

(6) Information Sharing Policy. All information on an individual's competitiveness scholarship program application will be shared with the financial aid office of the institution to which the individual has applied or is attending to permit verification of data submitted. Information may be shared with federal financial aid

offices if necessary to verify data furnished by the state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. section 552a.

AUTHORITY: section 173.262, RSMo 2000. Original rule filed May 24, 1990, effective Nov. 30, 1990. Amended: Filed Jan. 12, 2007, effective July 30, 2007. Amended: Filed Feb. 20, 2009.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance, Outreach, and Proprietary School Certification, Kelli Reed, Student Assistance Associate, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 6—DEPARTMENT OF HIGHER EDUCATION
Division 10—Commissioner of Higher Education
Chapter 2—Student Financial Assistance Program

PROPOSED AMENDMENT

6 CSR 10-2.130 Vietnam Veteran's Survivors Grant Program. The commissioner of higher education is amending the purpose and sections (1) through (6).

PURPOSE: This amendment updates statutory references, definitions, student eligibility requirements, the award policy, and institutional eligibility requirements and adds the information sharing policy.

*PURPOSE: The Vietnam Veteran's Survivors Grant Program, established by section 173.[235]**236**, RSMo, authorizes the Coordinating Board for Higher Education to provide tuition grants for eligible undergraduate students, who are survivors of Vietnam veterans[, and] whose deaths [was contributed]* ***were attributed*** *to or [was]* ***were*** *caused by exposure to toxic chemicals during the Vietnam conflict, to attend an approved Missouri postsecondary institution. This administrative rule sets forth eligibility requirements of survivors for tuition grant assistance [and the responsibilities that approved postsecondary institution must meet for the administration of the program].*

(1) Definitions.

(B) Applicant shall mean an eligible survivor who has filed a complete and accurate application to receive grant assistance as prescribed by the CBHE and who qualifies to receive a grant award under section 173.236, RSMo.

*[(B)]***(C)** *[Coordinating board or board]* **CBHE** is the Coordinating Board for Higher Education created by section 173.005, RSMo.

*[(C)]***(D)** Eligible survivor shall be any child or spouse of a Vietnam veteran as defined in section 173.*[235.1(4)]***236**, RSMo.

[(D) Full-time student shall be defined by the approved institution as an undergraduate student who is enrolled in and is carrying sufficient number of credit hours or their equivalent (minimum twelve (12) credit hours) at an approved private or public Missouri institution to secure a degree or certificate.]

(E) Full-time student means a student who is enrolled in at least twelve (12) semester hours, eight (8) quarter hours, or the equivalent in another measurement system, but not less than the respective number sufficient to secure the certificate or degree toward which the student is working in no more than the number of semesters or their equivalent normally required by the institution for the program in which the student is enrolled, provided, however, that an otherwise eligible student having a disability as defined by the Americans with Disabilities Act (42 U.S.C. 12101-12213) who, because of his disability, is unable to satisfy the statutory minimum requirements for full-time status under Title IV student aid programs shall be considered by the approved institution to be a full-time student and shall be considered to be making satisfactory academic degree progress, as defined in subsection (1)(M) of this rule, while carrying a minimum of six (6) credit hours or their equivalent at the approved institution.

*[(E)]***(F)** Grant assistance**,** *[or]* award**, or funds** shall be an amount of money paid by *[Missouri]* **the MDHE** to an eligible survivor pursuant to the provisions of this rule.

(G) His, him, or he shall apply equally to the female as well as the male sex in this rule.

*[(F)]***(H)** Initial recipient shall be any survivor who applies for *[a tuition]* grant **assistance** and meets the eligibility requirements in accordance with the provisions of this rule and is awarded and receives a tuition grant under the grant program as a first-time recipient.

*[(G)]***(I)** Institution of postsecondary education or approved institution shall be any private or public institution located in Missouri that meets the requirements set forth in subdivision 173.*[205]***1102**(2) or (3), RSMo.

(J) MDHE means the Missouri Department of Higher Education created by section 173.005, RSMo.

*[(H)]***(K)** Renewal recipient shall be any survivor who applies for a tuition grant, received a tuition grant as an initial recipient**,** and meets the eligibility requirements in accordance with the provisions of this rule and the requirements as defined by the approved institution and is awarded *[a]* renewable *[tuition]* grant **assistance** under the grant program.

*[(I)]***(L)** Resident of Missouri is any veteran who meets the requirements for resident status for Missouri set forth by the *[coordinating board]* **CBHE** in 6 CSR 10-3.010.

*[(J)]***(M)** Satisfactory *[academic degree progress or satisfactory]* academic progress shall be determined by the approved institution's policies as applied to other students at the approved institution receiving assistance under Title IV financial aid programs included in the Higher Education Act of 1965.

*[(K)]***(N)** Similar funds shall be any other state or federal student financial aid funds that are specifically designated for survivors of veterans.

[(L) Standard admissions policies shall be policies approved and published by the approved institution to admit special students and students having a certificate of graduation.]

*[(M)]***(O)** Toxic chemicals shall be any chemical determined by the veteran's administration medical authority to have contributed to or *[was the cause of]* **caused the** death of a Vietnam veteran.

*[(N)]***(P)** Tuition or incidental fee shall be the amount charged by an institution of postsecondary education for attendance at the institution by a student as a resident of this state.

*[(O)]***(Q)** Tuition grant or grant **program** shall mean the Vietnam Veteran's Survivors Grant Program as established by section 173.*[235]***236**, RSMo.

*[(P)]***(R)** Vietnam veteran shall be any person who meets the requirements as established by section 173.*[235]***236**.1(6)(a)–(c), RSMo.

(2) *[Eligible Survivor Qualifications and Responsibilities]* **Eligibility Policy**.

(A) To be eligible for grant assistance under the tuition grant program, an eligible survivor must meet the following conditions:

1. Be a citizen or permanent resident of the United States;

2. Be a child or spouse of a Vietnam veteran whose death was *[contributed]* **attributed** to or caused by exposure to toxic chemicals during the Vietnam conflict;

3. Be enrolled or accepted for enrollment as a full-time undergraduate student in a course of study leading to a certificate, or an associate or baccalaureate degree at an approved institution for the period of the grant;

4. Maintain satisfactory academic progress in his*[/her]* course of study, according to standards determined by the approved institution;

5. Provide *[a qualified medical]* certification by a **Missouri state veterans service officer, upon certification from a** Veteran's Administration medical authority**,** *[to verify]* that the exposure to toxic chemicals contributed to or was the cause of death of the veteran; and

6. Complete an application for tuition grant assistance on forms provided and prescribed by the *[coordinating board]* **CBHE**.

(B) Grant assistance shall be allotted for one (1) academic year, but an applicant shall be eligible for renewed assistance until *[s/he]* **the earliest of the following occurs:**

1. He has obtained a baccalaureate degree *[or]***;**

2. He has completed one hundred fifty (150) semester credit hours**;**

3. He has received grant assistance for*[, provided the grant assistance shall not exceed]* a total of ten (10) semesters or their equivalents;

4. In the case of an applicant who is an eligible child, he has reached age twenty-five (25), except that the applicant may receive such grant assistance through the completion of the semester or similar grading period in which he reaches his twenty-fifth year; or

5. In the case of an applicant who is an eligible spouse survivor, the fifth anniversary after the veteran's death, except that the applicant may receive such grant assistance through the completion of the semester or similar grading period in which the anniversary occurs.

(3) Responsibilities of Institutions of Postsecondary Education. **Institutions participating in the grant must meet the requirements set forth in 6 CSR 10-2.140, Institutional Eligibility for Student Participation.**

[(A) Approved institutions shall meet the following requirements:

1. Admit students based on the approved institution's standard admissions policies;

2. Establish fair and equitable refund policies covering tuition, fees or other charges. That refund policy shall be the same policy which is utilized by the approved institution for refunding all federal Title IV financial aid programs included in the Higher Education Act of 1965; and

3. Complete the institution's section of the tuition grant program application to verify the applicant's eligibility for the grant program and send it to the coordinating board for approval for the current academic year.

(B) When the approved institution receives the tuition grant program funds for the grants made by the coordinating board, the approved institution shall—

1. Determine if the student is enrolled full-time and making satisfactory academic progress in his/her course of study according to standards determined by the approved institution;

2. Deliver the tuition grant program funds to the eligible survivor in the amount awarded to that survivor by the coordinating board, or the approved institution must obtain the survivor's endorsement to retain the portion of the grant which the survivor owes for tuition or incidental fees for the current academic year to that particular approved institution;

3. Notify the coordinating board and return the student's check within thirty (30) days of learning that prior to disbursement, the student to whom an award has been made has not enrolled full-time, has indicated that s/he does not plan to enroll full-time, or does not meet the other student eligibility requirements;

4. Be responsible for the repayment of tuition grant funds to the coordinating board if the grant funds were delivered erroneously to the student; and

5. Determine and calculate the amount of refunds to the coordinating board based on the refund formula of the approved institution for students who withdraw during the institution's refund period. The coordinating board may refuse to award grants to applicants who attend approved institutions which fail to make timely refunds to the coordinating board.

(C) Repayment by the institution under paragraph (3)(B)4. of this rule shall be necessary when—

1. The approved institution delivers funds to a student not eligible under the tuition grant program;

2. The award was based on erroneous, improper or misleading information provided by the approved institution to the coordinating board; or

3. The approved institution delivers the grant funds to a person other than the one to whom the coordinating board has directed the funds be delivered.]

(4) Application and Evaluation **Policy**.

(A) An application for grant assistance under the tuition grant program shall be made annually by the eligible survivor on the form prescribed by the *[coordinating board]* **CBHE**.

(B) Completed tuition grant applications must be received by the *[coordinating board]* **MDHE** on or before the application deadline that is established annually in the application materials by the *[coordinating board]* **CBHE** to be considered for tuition grants.

(C) Completed tuition grant applications received after the annual deadline established by the *[coordinating board]* **CBHE** will be awarded provided program funds are available, based on a review by the *[coordinating board]* **MDHE**.

(5) *[Tuition Grant Program Award Limits and Criteria]* **Award Policy**.

(A) The maximum tuition grant amount for each survivor per academic year shall be the *[least]* **lesser** of the actual tuition charged at an approved institution where the eligible survivor is enrolled or accepted for full-time enrollment; or the average amount of tuition charged a Missouri undergraduate resident enrolled full-time in the same class level (freshman, sophomore, junior, senior) and in the same academic major of the eligible survivor at the institutions identified in section 174.020, RSMo.

(B) The total eligible survivor's tuition grant and similar program funds the survivor is eligible for and receives shall not exceed the total cost of tuition charged by the approved institution for full-time enrollment.

(C) An eligible survivor receiving a grant under the tuition grant program shall have made satisfactory academic progress as defined by the approved institution in order to be eligible for a subsequent award under the tuition grant program.

(D) *[The grant amount for any given academic year will be disbursed to the approved institution equally according to the number of semesters at that particular approved institution and awarded for each semester of enrollment.]* **Award amounts will be calculated and issued for each semester of enrollment in a given academic year and will be disbursed to the approved institution.**

(E) Tuition grants will not be awarded for periods of enrollment during the summer term(s).

(F) Within the amounts appropriated for tuition grant awards, the *[coordinating board]* **CBHE** shall award up to twelve (12) grants annually to eligible survivors to attend an approved institution.

(G) Eligible renewal recipients shall have priority in the awarding of tuition grants. If sufficient grant funds are unavailable to award all eligible renewal recipients, grant funds shall be awarded in the following order: fifth-, fourth-, third-**,** and second-year students as defined by the approved institution.

(H) Eligible survivors who qualify as initial recipients under the provisions of this rule each year of the grant program shall be awarded based on the availability of grant funds.

(I) If sufficient tuition grant funds are unavailable to award to initial recipients, tuition grants will be awarded based on the earliest date the completed grant applications are received by the *[coordinating board]* **CBHE** until all grant funds have been expended.

(J) Eligible survivors who apply for a tuition grant but are not awarded a grant due to insufficient grant funds shall be put on an eligibility waiting list. The eligibility status of these eligible survivors will be extended to the following academic year and will be considered for a tuition grant in accordance with the criteria in subsections (5)(F)–(I) of this rule.

(K) A survivor who changes his*[/her]* approved institution choice prior to the beginning of the first day of classes or who transfers from one (1) approved institution to another must notify the *[board]* **CBHE**. Failure to notify the *[coordinating board]* **CBHE** may result in loss of the award.

(L) Award notifications will be sent to the eligible survivors by the *[coordinating board]* **CBHE** once the applications have been approved and the grants have been determined. Notification of grants will also be sent to the student financial aid office at the approved institution where the student plans to or has enrolled.

(M) The survivor's grant will be sent to the approved institution to be endorsed by the student *[in accordance with the requirements of subsection (3)(B) of this rule]*. **The institution shall retain the portion of the award that the student owes for expenses and promptly give the applicant any remaining funds.**

[(N) Within forty (40) days from the date on which the survivor withdraws, the approved institution shall calculate and make a refund to the coordinating board based on the refund formula established by that institution in accordance with paragraph (3)(A)2. of this rule.

(O) Any eligible survivor is subject to the age limitation found in section 173.235.10., RSMo.]

(6) Information Sharing Policy. All information on an individual's survivor grant application will be shared with the financial aid office of the institution to which the individual has applied or is attending to permit verification of data submitted. Information may be shared with federal financial aid offices if necessary to verify data furnished by the state or federal governments as provided for in the Privacy Act of 1974, 5 U.S.C. section 552a.

*AUTHORITY: section 173.236, RSMo [1994] **2000**. Original rule filed April 5, 1993, effective Sept. 9, 1993. Amended: Filed Feb. 20, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Higher Education, Financial Assistance, Outreach, and Proprietary School Certification, Kelli Reed, Student Assistance Associate, 3515 Amazonas Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 2—Definitions

PROPOSED AMENDMENT

10 CSR 60-2.015 Definitions. The commission is amending subsections (2)(B), (C), (D), (F), (G), (L), (M), (P), (T), (U), and (W).

PURPOSE: This amendment adopts new definitions required by the Long-Term 2 Enhanced Surface Water Treatment Rule published in 71 FR 653 (January 5, 2006) and Stage 2 Disinfectants/Disinfection By-Products Rule published in 71 FR 387 (January 4, 2006). The definitions are adopted from the federal rules without variance.

(2) Definitions.

(B) Terms beginning with the letter B.

1. Backflow. The undesirable reversal of flow of water or mixtures of water and other liquids, gases**,** or other substances into the public water system from any source(s).

2. Backflow hazard. Any facility which, because of the nature and extent of activities on the premises or the materials used in connection with the activities or stored on the premises, would present an actual or potential health hazard to customers of the public water system or would threaten to degrade the water quality of the public water system should backflow occur.

A. Class I backflow hazard. A backflow hazard which presents an actual or potential health hazard to customers of the public water system should backflow occur. A list of customer facilities, not all inclusive, considered to be Class I backflow hazards is included in 10 CSR 60-11.010.

B. Class II backflow hazard. A backflow hazard which would threaten to degrade the water quality of the public water system should backflow occur. A list of customer facilities, not all inclusive, considered to be Class II backflow hazards is included in 10 CSR 60-11.010.

3. Backflow prevention assembly. An assembly designed to prevent the reverse flow of water or other substances from a customer facility back into the public water distribution system. See also definitions of air-gap separation, double check valve**,** and reduced pressure principle backflow prevention assembly.

4. Backflow prevention assembly tester. A person who utilizes recognized backflow prevention assembly testing procedures to determine whether or not an assembly is functioning properly. Requirements for backflow prevention assembly tester certification are in 10 CSR 60-11.

5. Bag filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed of a non-rigid, fabric filtration media housed in a pressure vessel in which the direction of flow is from the inside of the bag to the outside.

6. Bank filtration. Water treatment process that uses a well to recover surface water that has naturally infiltrated into ground water through a river bed or bank(s). Infiltration is typically enhanced by the hydraulic gradient imposed by a nearby pumping water supply or other well(s).

*[5.]***7.** Best available technology. The best technology, treatment**,** or other means which the department finds, after examination for efficacy under field conditions and not solely under laboratory

conditions, are available (taking cost into consideration). For the purpose of setting maximum contaminant levels for synthetic organic chemicals, any best available technology must be at least as effective as granular activated carbon.

*[6.]***8.** Beta particle. A particle, identical with an electron, emitted from the nucleus of a radioactive element.

*[7.]***9.** Breakpoint chlorination. The point at which sufficient chlorine has been applied to water to satisfy the chlorine demand which should result in a total chlorine residual of at least seventy-five percent (75%) free available chlorine.

(C) Terms beginning with the letter C.

1. Cartridge filters. Pressure-driven separation devices that remove particulate matter larger than one (1) micrometer using an engineered porous filtration media. They are typically constructed as rigid or semi-rigid, self-supporting filter elements housed in pressure vessels in which flow is from the outside of the cartridge to the inside.

*[1.]***2.** Certificate. The certificate of competency issued by the department stating that a person has met the requirements for the specified operator classification of the certification program under the provisions of 10 CSR 60-14.020.

*[2.]***3.** Certificate of examination. A certificate issued to a person who passes a written examination but does not meet the experience requirements for the classification of examination taken.

*[3.]***4.** Chief operator. The person designated by the owner of a public water system to have direct, on-site responsibility for the operation of a water treatment plant or water distribution system, or both.

*[4.]***5.** Chloramines. All amino or imino groups in which the hydrogen has been replaced totally or in part by chlorine.

*[5.]***6.** Class I backflow hazard. See backflow hazard.

*[6.]***7.** Class II backflow hazard. See backflow hazard.

*[7.]***8.** Coagulation. A process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.

*[8.]***9.** Combined chlorine residual. That portion of the total chlorine residual which is not free available chlorine.

10. Combined distribution system. The interconnected distribution system consisting of the distribution systems of wholesale systems and of the consecutive systems that receive finished water.

*[9.]***11.** Community water system. A public water system which serves at least fifteen (15) service connections and is operated on a year-round basis or regularly serves at least twenty-five (25) residents on a year-round basis.

*[10.]***12.** Compliance cycle. The nine (9)-year calendar year cycle during which public water systems must monitor. Each compliance cycle consists of three (3), three (3)-year compliance periods. The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; and the third begins January 1, 2011 and ends December 31, 2019.

*[11.]***13.** Compliance period. A three (3)-year calendar year period within a compliance cycle. Each compliance cycle has three (3), three (3)-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993 to December 31, 1995; the second from January 1, 1996 to December 31, 1998; and the third from January 1, 1999 to December 31, 2001.

*[12.]***14.** Confluent growth. A continuous bacterial growth covering the entire filtration area of a membrane filter, or a portion of the area, in which bacterial colonies are not discrete.

15. Consecutive system. A public water system that receives some or all of its finished water from one (1) or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

*[13.]***16.** Consolidated formations. Earth material which has been created by geological processes, cemented or compacted into a coherent or firm mass.

*[14.]***17.** Containment. Protection of the public water system by installation of a department-approved backflow prevention assembly or air-gap separation at the user connection from the main service line(s).

*[15.]***18.** Contaminant. Any physical, chemical, biological**,** or radiological substances or matter in water including, but not limited to, those substances for which maximum contaminant levels are established by the department.

*[16.]***19.** Conventional filtration treatment. A series of treatment processes including coagulation, flocculation, sedimentation**,** and filtration resulting in substantial particulate removal.

A. Required treatment for ground water systems under the direct influence of surface water. One (1) stage of treatment must be provided as follows: rapid mix, flocculation**,** and sedimentation followed by filtration. Disinfection also shall be provided. Raw water quality characteristics may require additional treatment.

B. Required treatment for surface water systems. Two (2) stages of treatment must be provided as follows: primary rapid mix, flocculation**,** and sedimentation followed by secondary rapid mix, flocculation**,** and sedimentation, operated in series, followed by filtration and disinfection contact storage. Raw water quality characteristics may require additional treatment.

*[17.]***20.** Corrosion inhibitor. A substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

*[18.]***21.** Cross-connection. Any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the public water system any used water, industrial fluid, gas**,** or substance other than the intended potable water with which the system is supplied. By-pass arrangements, jumper connections, removable sections, swivel or change-over devices**,** and other temporary or permanent devices through which or because of which, backflow can or may occur are considered to be cross-connections.

*[19.]***22.** CT. The product of the residual disinfectant concentration (C) in milligrams per liter (mg/l) determined before or at the first customer and the corresponding disinfectant contact time (T) in minutes (that is, C multiplied by T ($C \times T$)). (See also residual disinfectant concentration and disinfectant contact time.)

*[20.]***23.** Customer. Any person who receives water from a public water system.

*[21.]***24.** Customer service line. The pipeline from the public water system to the first tap, fixture, receptacle**,** or other point of customer water use or to the first auxiliary water system or pipeline branch in a building.

*[22.]***25.** Customer water system. All piping, fixtures**,** and appurtenances, including auxiliary water systems, used by a customer to convey water on his/her premises.

(D) Terms beginning with the letter D.

1. Department. The Missouri Department of Natural Resources.

2. Department of Health. The Missouri Department of Health and Senior Services.

3. Director. The director of the Missouri Department of Natural Resources.

4. Disinfectant. Includes, but is not limited to, chlorine, chlorine dioxide, chloramines**,** and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

5. Disinfectant contact time. The "T" in the equation CT. The time in minutes that it takes for water to move from the point of disinfectant application or the previous point of disinfectant residual measurement to a point before or at the point where residual disinfectant concentration (C) is measured as determined by a department-approved study as outlined in the *Missouri Guidance Manual for Surface Water System Treatment Requirements,* 1992.

6. Disinfection. A process which inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

7. Domestic or other nondistribution system plumbing problem. A coliform contamination problem in a public water system with more than one (1) service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

8. Dose equivalent. The product of the absorbed dose from ionizing radiation and factors that account for difference in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission of Radiological Units and Measurements (ICRU).

9. Double check valve assembly. A backflow prevention assembly composed of two (2) single, independently acting, internally spring loaded, approved check valves including tightly closing resilient-seated shutoff valves located at each end of the assembly and fitted with properly located test cocks.

10. Dual sample set. A set of two (2) samples collected at the same time and same location, with one (1) sample analyzed for total trihalomethanes (TTHM) and the other sample analyzed for halocetic acids 5 (HAA5). Dual sample sets are collected for the purposes of conducting an initial distribution system evaluation (IDSE) and determining compliance with the TTHM and HAA5 maximum contaminant levels (MCLs) under Stage 2 Disinfectants/Disinfection By-Products requirements.

(F) Terms beginning with the letter F.

1. Facility. A single tract or contiguous tracts of land and any improvements on them, upon which one (1) or more service connections are located, and which, except for easements and public right-of-way, are wholly owned, leased**,** or otherwise subject to the control of the customer.

2. Filter profile. A graphical representation of individual filter performance, based on continuous turbidity measurements or total particle counts versus time for an entire filter run, from startup to backwash inclusively, that includes an assessment of filter performance while another filter is being backwashed.

3. Filtration. A process for removing particulate matter from water by passage through porous media.

4. Finished water. Water that is introduced into the distribution system of a public water system and is intended for distribution and consumption without further treatment, except treatment necessary to maintain water quality in the distribution system (for example, booster disinfection, addition of corrosion control chemicals).

*[4.]***5.** Finished water storage facility. A tank, reservoir, or other man-made facility used to store potable water that will undergo no further treatment except residual disinfection.

*[5.]***6.** First draw sample. A one (1) liter sample of tap water, collected in accordance with the lead and copper provisions of these rules only, that has been standing in plumbing pipes at least six (6) hours and is collected without flushing the tap.

*[6.]***7.** Flocculation. A process to enhance the collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

8. Flowing stream. A course of running water flowing in a definite channel.

(G) Terms beginning with the letter G.

1. GAC10. Granular activated carbon filter beds with an empty-bed contact time of ten (10) minutes based on average daily flow and a carbon reactivation frequency of every one hundred eighty (180) days**, except that the reactivation frequency for GAC10 used as a best available technology for compliance with Stage 2 Disinfectants/Disinfection By-Products is one hundred twenty (120) days**.

2. GAC20. Granular activated carbon filter beds with an empty-bed contact time of twenty (20) minutes based on average daily flow and a carbon reactivation frequency of every two hundred forty (240) days.

*[2.]***3.** Gross alpha particle activity. The total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

*[3.]***4**. Gross beta particle activity. The total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

*[4.]***5.** Ground water under the direct influence of surface water (GWUDISW). Any water beneath the surface of the ground with either of the following:

A. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity**,** or pH which closely correlate to climatological or surface water conditions. Direct influence must be determined for individual sources in accordance with criteria established by the department. The department's determination of direct influence may be used on site-specific measurements of water quality or documentation of well construction characteristics, or both, and geology with field evaluation; or

B. Significant occurrence of insects or other macroorganisms, algae**,** or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium*.

(L) Terms beginning with the letter L.

1. Lake/reservoir. A natural or man-made basin or hollow on the earth's surface in which water collects or is stored that may or may not have a current or single direction of flow.

*[1.]***2.** Lead service line. A service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck**,** or other fitting which is connected to that lead line.

*[2.]***3.** *Legionella*. A genus of bacteria some species of which have caused a type of pneumonia called Legionnaires disease.

*[3.]***4.** Lime softening. The application of lime to reduce the concentrations of calcium and magnesium and, to a lesser extent, iron, manganese**,** or radionuclides from source water.

5. Locational running annual average (LRAA). The average of sample analytical results for samples taken at a particular monitoring location during the previous four (4) calendar quarters.

(M) Terms beginning with the letter M.

1. Man-made beta particle and photon emitters. All radionuclides emitting beta particles, photons, or both, except the daughter products of thorium 232, uranium 235**,** and uranium 238, listed in the EPA Implementation Guidance for Radionuclides, Appendix J.

2. Maximum contaminant level (MCL). The maximum permissible level, as established in 10 CSR 60-4, of a contaminant in any water which is delivered to any user of a public water system.

3. Maximum contaminant level goal (MCLG). A level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur and which allows an adequate margin of safety. MCLGs are nonenforceable health goals.

4. Maximum residual disinfectant level (MRDL). A level of a disinfectant that may not be exceeded at the consumer's tap without an unacceptable possibility of adverse health effects.

5. Maximum residual disinfectant level goal (MRDLG). The maximum level of a disinfectant added for water treatment at which no known or anticipated adverse effect on the health of persons would occur, and which allows an adequate margin of safety. MRDLGs are nonenforceable health goals and do not reflect the benefit of the addition of the chemical for control of waterborne microbial contaminants.

6. Maximum total trihalomethane potential (MTTHMP). The maximum concentration of total trihalomethanes produced in a given water containing a disinfectant residual after seven (7) days at a temperature of twenty-five degrees Celsius (25°C) or above.

7. Membrane filtration. Pressure or vacuum driven separation process in which particulate matter larger than one (1) micrometer is rejected by an engineered barrier, primarily

through a size-exclusion mechanism, and which has a measurable removal efficiency of a target organism that can be verified through the application of a direct integrity test. This definition includes the common membrane technologies of microfiltration, ultrafiltration, nanofiltration, and reverse osmosis.

*[7.]***8.** Missouri Safe Drinking Water Law. The *Revised Statutes of Missouri*, sections 640.100 through 640.140.

(P) Terms beginning with the letter P.

1. Person. Any individual, partnership, co-partnership, firm, company, public or private corporation, association, homeowners' association, joint stock company, trust, estate, political subdivision or any agency, board, department**,** or bureau of the state or federal government, or any other legal entity whatever, which is recognized by law as the subject of rights and duties.

2. Picocurie (pCi). The quantity of radioactive material producing 2.22 nuclear transformations per minute.

3. Plant intake. The works or structures at the head of a conduit through which water is diverted from a source (for example, river or lake) into the treatment plant.

*[3.]***4.** Point of entry treatment device (POE). A treatment device applied to the drinking water entering a house or other building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

*[4.]***5.** Point of use treatment device (POU). A treatment device applied to a single tap for the purpose of reducing contaminants in the drinking water at that tap.

6. Presedimentation. A preliminary treatment process used to remove gravel, sand, and other particulate material from the source water through settling before the water enters the primary clarification and filtration processes in a treatment plant.

*[5.]***7.** Primary public water system. A public water system which obtains its source of water directly from a well, infiltration gallery, lake, reservoir, river, spring**,** or stream.

*[6.]***8.** Public water system. A system for the provision to the public of piped water for human consumption, if the system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. The system includes any collection, treatment, storage**,** or distribution facilities used in connection with the system. A public water system is either a community water system or a noncommunity water system.

(T) Terms beginning with the letter T.

1. Too numerous to count (TNTC). The total number of bacterial colonies exceeds two hundred (200) on a forty-seven millimeter (47 mm) diameter membrane filter used for coliform detection.

2. Total organic carbon (TOC). Total organic carbon in milligrams per liter (mg/l) measured using heat, oxygen, ultraviolet irradiation, chemical oxidants, or combinations of these oxidants that convert organic carbon to carbon dioxide, rounded to two (2) significant figures.

3. Total trihalomethanes (TTHM). The sum of the concentration in mg/l of the trihalomethane compounds, trichloromethane (chloroform), dibromochloromethane, bromodichloromethane**,** and tribromomethane (bromoform), rounded to two (2) significant figures.

4. Transient noncommunity water system. A public water system that is not a community water system, which has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

5. Treated water. Water which is handled or processed in any manner to change the physical, chemical, biological**,** or radiological content and includes water exposed to the atmosphere by aeration.

6. Trihalomethane (THM). One (1) of the family of organic compounds, named as derivatives of methane, where three (3) of the four (4) hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure.

7. Two (2)-stage lime softening. A process in which chemical addition and hardness precipitation occur in each of two (2) distinct unit clarification processes in series prior to filtration.

(U) Terms beginning with the letter U.

1. Unconsolidated formations. Earth material (sand, gravel, silt, clay) which is uncemented and uncompacted and which has been deposited by a natural process. This material retains loose or relatively soft physical characteristics.

2. Uncovered finished water storage facility. A tank, reservoir, or other facility used to store water that will undergo no further treatment to reduce microbial pathogens except residual disinfection and is directly open to the atmosphere. (Note: uncovered finished water storage facilities are prohibited under 10 CSR 60-4.080(7).)

(W) Terms beginning with the letter W.

1. Water distribution system. All piping, conduits, valves, hydrants, storage facilities, pumps**,** and other appurtenances, excluding service connections, which serve to deliver water from a water treatment plant or water supply source to the public.

2. Water system. All sources from which water is derived for drinking or domestic use by the public, also all structures, conduits**,** and appurtenances by means of which water for use is treated, stored**,** or delivered to consumers, except service connections from water distribution systems to buildings and plumbing within or in connection with buildings served.

3. Water supply source. All sources of water supply including wells, infiltration galleries, springs, reservoirs, lakes, streams**,** or rivers from which water is derived for public water systems, including the structures, conduits, pumps**,** and appurtenances used to withdraw water from the source or to store or transport water to the water treatment facility or water distribution system.

4. Water treatment facility. A facility which uses specific processes such as sedimentation, coagulation, filtration, disinfection, aeration, oxidation, ion exchange, fluoridation**,** or other processes which serve to add components or to alter or remove contaminants from a water supply source.

5. Waterborne disease outbreak. The significant occurrence of acute infectious illness associated with the ingestion of water as declared by the Department of Health **and Senior Services**.

6. Wholesale system. A public water system that treats source water as necessary to produce finished water and then delivers some or all of that finished water to another public water system. Delivery may be through a direct connection or through the distribution system of one (1) or more consecutive systems.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2008**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies and other political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received*

by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements

PURPOSE: This rule establishes source water monitoring requirements and enhanced treatment for Cryptosporidium for surface water systems and systems under the direct influence of surface water. These requirements are in addition to requirements for filtration and disinfection in 10 CSR 60-4.050 and 10 CSR 60-4.055. This rule adopts the requirements found in subpart W of 40 CFR part 141.

(1) Enhanced Treatment for *Cryptosporidium* General Requirements.

(A) The requirements of this rule are national primary drinking water regulations. The regulations in this rule establish or extend treatment technique requirements in lieu of maximum contaminant levels for *Cryptosporidium*. These requirements are in addition to requirements for filtration and disinfection in 10 CSR 60-4.050 and 10 CSR 60-4.055.

(B) Applicability.

1. The requirements of this rule apply to all public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water.

2. Wholesale systems, as defined in 10 CSR 60-2.015, must comply with the requirements of this rule based on the population of the largest system in the combined distribution system.

(C) Requirements. Systems subject to this rule must comply with the following requirements:

1. Systems must conduct an initial and a second round of source water monitoring for each plant that treats a surface water or ground water under the direct influence of surface water (GWUDISW) source. This monitoring may include sampling for *Cryptosporidium, E. coli,* and turbidity as described in sections (2)–(6) of this rule, to determine what level, if any, of additional *Cryptosporidium* treatment they must provide;

2. Systems that plan to make a significant change to their disinfection practice must develop disinfection profiles and calculate disinfection benchmarks, as described in sections (8) and (9) of this rule;

3. Filtered systems must determine their *Cryptosporidium* treatment bin classification as described in section (10) of this rule and provide additional treatment for *Cryptosporidium,* if required, as described in section (11) of this rule. Filtered systems must implement *Cryptosporidium* treatment according to the schedule in section (12) of this rule;

4. Systems required to provide additional treatment for *Cryptosporidium* must implement microbial toolbox options that are designed and operated as described in sections (13)–(18) of this rule; and

5. Systems must comply with the applicable record-keeping and reporting requirements described in 10 CSR 60-7.010 and 10 CSR 60-9.010.

(2) Source Water Monitoring Requirements.

(A) Initial Round of Source Water Monitoring. Systems must conduct the following monitoring on the schedule in subsection (2)(C) of this rule unless they meet the monitoring exemption criteria in subsection (2)(D) of this rule.

1. Filtered systems serving at least ten thousand (10,000) people must sample their source water for *Cryptosporidium, E. coli,* and turbidity at least monthly for twenty-four (24) months.

2. Filtered systems serving fewer than ten thousand (10,000) people must sample their source water for *E. coli* at least once every two (2) weeks for twelve (12) months.

3. A filtered system serving fewer than ten thousand (10,000) people may avoid *E. coli* monitoring if the system notifies the department that it will monitor for *Cryptosporidium* as described in paragraph (2)(A)4. of this rule. The system must notify the department no later than three (3) months prior to the date the system is otherwise required to start *E. coli* monitoring under subsection (2)(C) of this rule.

4. Filtered systems serving fewer than ten thousand (10,000) people must sample their source water for *Cryptosporidium* at least twice per month for twelve (12) months or at least monthly for twenty-four (24) months if they meet one (1) of the following, based on monitoring conducted under paragraphs (2)(A)2. and 3. of this rule.

A. For systems using lake or reservoir sources, the annual mean *E. coli* concentration is greater than 10 *E. coli*/100 mL.

B. For systems using flowing stream sources, the annual mean *E. coli* concentration is greater than 50 *E. coli*/100 mL.

C. The system does not conduct *E. coli* monitoring as described in paragraphs (2)(A)2. and 3. of this rule.

D. Systems using ground water under the direct influence of surface water (GWUDISW) must comply with the requirements of paragraph (2)(A)4. of this rule based on the *E. coli* level that applies to the nearest surface water body. If no surface water body is nearby, the system must comply based on the requirements that apply to systems using lake/reservoir sources.

5. For filtered systems serving fewer than ten thousand (10,000) people, the department may approve monitoring for an indicator other than *E. coli* under paragraph (2)(A)2. of this rule. The department also may approve an alternative to the *E. coli* concentration in subparagraph (2)(A)4.A., B., or D. of this rule to trigger *Cryptosporidium* monitoring. This approval by the department must be provided to the system in writing and must include the basis for the department's determination that the alternative indicator and/or trigger level will provide a more accurate identification of whether a system will exceed the Bin 1 *Cryptosporidium* level in section (10) of this rule.

6. Systems may sample more frequently than required under this section if the sampling frequency is evenly spaced throughout the monitoring period.

(B) Second Round of Source Water Monitoring. Systems must conduct a second round of source water monitoring that meets the requirements for monitoring parameters, frequency, and duration described in subsection (2)(A) of this rule, unless they meet the monitoring exemption criteria in subsection (2)(D) of this rule. Systems must conduct this monitoring on the schedule in subsection (2)(C) of this rule.

(C) Monitoring Schedule. Systems must begin the monitoring required in subsection (2)(A) and subsection (2)(B) of this rule no later than the month beginning with the date listed in this table—

Source Water Monitoring Starting Dates Table

Systems that serve:	Must begin the first round of source water monitoring no later than the month beginning:	And must begin the second round of source water monitoring no later than the month beginning:
At least 100,000 people	October 1, 2006	April 1, 2015
From 50,000 to 99,999	April 1, 2007	October 1, 2015
From 10,000 to 49,999	April 1, 2008	October 1, 2016
Fewer than 10,000 and monitor for E. coli	October 1, 2008	October 1, 2017
Fewer than 10,000 and monitor for *Cryptosporidium* (Applies to filtered systems that meet the conditions of paragraph (2)(A)3. of this rule.)	April 1, 2010	April 1, 2019

(D) Monitoring Avoidance.

1. Filtered systems are not required to conduct source water monitoring under this rule if the system will provide a total of at least 5.5-log of treatment for *Cryptosporidium,* equivalent to meeting the treatment requirements of Bin 4 in section (11) of this rule.

2. If a system chooses to provide the level of treatment in paragraph (2)(D)1. of this rule as applicable, rather than start source water monitoring, the system must notify the department in writing no later than the date the system is otherwise required to submit a sampling schedule for monitoring under section (3) of this rule. Alternatively, a system may choose to stop sampling at any point after it has initiated monitoring if it notifies the department in writing that it will provide this level of treatment. Systems must install and operate technologies to provide this level of treatment by the applicable treatment compliance date in section (12) of this rule.

(E) Plants Operating Only Part of the Year. Systems with plants that operate for only part of the year must conduct source water monitoring in accordance with this rule, but with the following modifications:

1. Systems must sample their source water only during the months that the plant operates unless the department specifies another monitoring period based on plant operating practices.

2. Systems with plants that operate less than six (6) months per year and that monitor for *Cryptosporidium* must collect at least six (6) *Cryptosporidium* samples per year during each of two (2) years of monitoring. Samples must be evenly spaced throughout the period the plant operates.

(F) New Source Requirements.

1. A system that begins using a new source of surface water or GWUDISW after the system is required to begin monitoring under subsection (2)(C) of this rule must monitor the new source on a schedule the department approves. Source water monitoring must meet the requirements of this rule. The system must also meet the bin classification and *Cryptosporidium* treatment requirements of sections (10) and (11) of this rule, as applicable, for the new source on a schedule the department approves.

2. The requirements of subsection (2)(F) of this rule apply to surface water systems and ground water under the direct influence of surface water systems that begin operation after the monitoring start date applicable to the system's size under subsection (2)(C) of this rule.

3. The system must begin a second round of source water monitoring no later than six (6) years following initial bin classification under section (10) of this rule.

(G) Failure to collect any source water sample required under this section in accordance with the sampling schedule, sampling location, analytical method, approved laboratory, and reporting requirements of sections (3) through (6) of this rule is a monitoring violation.

(H) Grandfathering Monitoring Data. Systems may use (i.e., may "grandfather") monitoring data collected prior to the applicable monitoring start date in subsection (2)(C) to meet the initial source water monitoring requirements in subsection (2)(A) of this rule. Grandfathered data may substitute for an equivalent number of months at the end of the monitoring period. All data submitted under subsection (2)(H) must meet the requirements in section (7) of this rule.

(3) Sampling Schedules.

(A) Systems required to conduct source water monitoring under section (2) of this rule must submit a sampling schedule that specifies the calendar dates when the system will collect each required sample.

1. Systems must submit sampling schedules no later than three (3) months prior to the applicable date listed in subsection (2)(C) of this rule for each round of required monitoring.

2. Systems serving at least ten thousand (10,000) people must submit their sampling schedule for the initial round of source water monitoring under subsection (2)(A) of this rule to the Environmental Protection Agency (EPA) electronically at the web address specified by the EPA for this purpose. If a system is unable to submit the sampling schedule electronically, the system may use an alternative approach for submitting the sampling schedule that the EPA approves.

3. Systems serving fewer than ten thousand (10,000) people must submit their sampling schedules for the initial round of source water monitoring in subsection (2)(A) of this rule to the department.

4. Systems must submit sampling schedules for the second round of source water monitoring in subsection (2)(B) of this rule to the department.

5. If the EPA or the department does not respond to a system regarding its sampling schedule, the system must sample at the reported schedule.

(B) Systems must collect samples within two (2) days before or two (2) days after the dates indicated in their sampling schedule (that is, within a five (5)-day period around the schedule date) unless one (1) of the conditions of paragraph (3)(B)1. or 2. applies.

1. If an extreme condition or situation exists that may pose danger to the sample collector, or that cannot be avoided and causes the system to be unable to sample in the scheduled five (5)-day period, the system must sample as close to the scheduled date as is feasible unless the department approves an alternative sampling date. The system must submit an explanation for the delayed sampling date to the department concurrent with the shipment of the sample to the laboratory.

2. If a system is unable to report a valid analytical result for a scheduled sampling date due to equipment failure, loss of or damage to the sample, failure to comply with the analytical method requirements, including the quality control requirements in 10 CSR 60-5.010, or the failure of an approved laboratory to analyze the sample, then the system must collect a replacement sample. The system must collect the replacement sample not later than twenty-one (21)

days after receiving information that an analytical result cannot be reported for the scheduled date unless the system demonstrates that collecting a replacement sample within this time frame is not feasible or the department approves an alternative resampling date. The system must submit an explanation for the delayed sampling date to the department concurrent with the shipment of the sample to the laboratory.

(C) Systems that fail to meet the criteria of subsection (3)(B) of this rule for any source water sample required under section (2) of this rule must revise their sampling schedules to add dates for collecting all missed samples. Systems must submit the revised schedule to the department for approval prior to when the system begins collecting the missed samples.

(4) Sampling Locations.

(A) Systems required to conduct source water monitoring under section (2) of this rule must collect samples for each plant that treats a surface water or GWUDISW source. Where multiple plants draw water from the same influent, such as the same pipe or intake, the department may approve one (1) set of monitoring results to be used to satisfy the requirements of section (2) of this rule for all plants.

(B) Systems must collect source water samples prior to chemical treatment, such as coagulants, oxidants, and disinfectants, unless the system meets the condition of paragraph (4)(B)1. of this rule.

1. The department may approve a system to collect a source water sample after chemical treatment. To grant this approval, the department must determine that collecting a sample prior to chemical treatment is not feasible for the system and that the chemical treatment is unlikely to have a significant adverse effect on the analysis of the sample.

(C) Systems that recycle filter backwash water must collect source water samples prior to the point of filter backwash water addition.

(D) Bank Filtration Requirements.

1. Systems that receive *Cryptosporidium* treatment credit for bank filtration under 10 CSR 60-4.050(3)(G), as applicable, must collect source water samples in the surface water prior to bank filtration.

2. Systems that use bank filtration as pretreatment to a filtration plant must collect source water samples from the well (i.e., after bank filtration). Use of bank filtration during monitoring must be consistent with routine operational practice. Systems collecting samples after a bank filtration process may not receive treatment credit for the bank filtration under subsection (15)(C) of this rule.

(E) Multiple Sources. Systems with plants that use multiple water sources, including multiple surface water sources and blended surface water and ground water sources, must collect samples as specified in paragraph (4)(E)1. or 2. of this rule The use of multiple sources during monitoring must be consistent with routine operational practice.

1. If a sampling tap is available where the sources are combined prior to treatment, systems must collect samples from the tap.

2. If a sampling tap where the sources are combined prior to treatment is not available, systems must collect samples at each source near the intake on the same day and must follow either subparagraph (4)(E)2.A. or B. of this rule for sample analysis.

A. Systems may take composite samples from each source into one (1) sample prior to analysis. The volume of sample from each source must be weighted according to the proportion of the source in the total plant flow at the time the sample is collected.

B. Systems may analyze samples from each source separately and calculate a weighted average of the analysis results for each sampling date. The weighted average must be calculated by multiplying the analysis result for each source by the fraction the source contributed to total plant flow at the time the sample was collected and then summing these values.

(F) Additional Requirements. Systems must submit a description of their sampling location(s) to the department at the same time as the sampling schedule required under section (3) of this rule. This description must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including pretreatment, points of chemical treatment, and filter backwash recycle. If the department does not respond to a system regarding sampling location(s), the system must sample at the reported location(s).

(5) Approved Laboratories.

(A) *Cryptosporidium*. Systems must have *Cryptosporidium* samples analyzed by a laboratory that is approved under the EPA's Laboratory Quality Assurance Evaluation Program for Analysis of *Cryptosporidium* in Water or a laboratory that has been certified for *Cryptosporidium* analysis by an equivalent state laboratory certification program.

(B) *E. Coli*. Any laboratory certified by the EPA, the National Environmental Laboratory Accreditation Conference, or the department for total coliform or fecal coliform analysis under 10 CSR 60-5.010(3) is approved for *E. coli* analysis under this rule when the laboratory uses the same technique for *E. coli* that the laboratory uses for 10 CSR 60-5.010(3).

(C) Turbidity. Measurements of turbidity must be made by a party approved by the department.

(6) Reporting Source Water Monitoring Results.

(A) Systems must report results from the source water monitoring required under section (2) of this rule no later than ten (10) days after the end of the first month following the month when the sample is collected.

(B) All systems serving at least ten thousand (10,000) people must report the results from the initial source water monitoring required under subsection (2)(A) of this rule to the EPA electronically at the web address specified by the EPA for this purpose. If a system is unable to report monitoring results electronically, the system may use an alternative approach for reporting monitoring results that the EPA approves.

(C) Systems serving fewer than ten thousand (10,000) people must report results from the initial source water monitoring required under subsection (2)(A) of this rule to the department.

(D) All systems must report results from the second round of source water monitoring required under subsection (2)(B) of this rule to the department.

(E) Systems must report the following applicable information for the source water monitoring required under section (2) of this rule:

1. For each *Cryptosporidium* analysis—

A. Systems must report the following data elements:

(I) Public water system (PWS) ID;

(II) Facility ID;

(III) Sample collection date;

(IV) Sample type (field or matrix spike);

(V) Sample volume filtered (L), to nearest;

(VI) Was one hundred percent (100%) of filtered volume examined; and

(VII) Number of oocysts counted;

B. For matrix spike samples, systems must also report the sample volume spiked and estimated number of oocysts spiked. These data are not required for field samples;

C. For samples in which less than ten (10) L is filtered or less than one hundred percent (100%) of the sample volume is examined, systems must also report the number of filters used and the packed pellet volume; and

D. For samples in which less than one hundred percent (100%) of sample volume is examined, systems must also report the volume of resuspended concentrate and volume of this resuspension processed through immunomagnetic separation; and

2. For each *E. coli* analysis, systems must report the following data elements:

A. PWS ID;

B. Facility ID;

C. Sample collection date;

D. Analytical method number;

E. Method type;

F. Source type (flowing stream, lake/reservoir, GWUDISW);

G. *E. coli*/100 mL; and

H. Turbidity. (Systems serving fewer than ten thousand (10,000) people that are not required to monitor for turbidity under section (2) of this rule are not required to report turbidity with their *E. coli* results.)

(7) Grandfathering Previously Collected Data.

(A) Systems may use previously collected data to comply with the initial source water monitoring requirements of subsection (2)(A) by grandfathering sample results that were collected before the system is required to begin monitoring. To be grandfathered, the sample results and analysis must meet the criteria in this section and must be approved by the department. A filtered system may grandfather *Cryptosporidium* samples to meet the requirements of subsection (2)(A) when the system does not have corresponding *E. coli* and turbidity samples. A system that grandfathers *Cryptosporidium* samples without *E. coli* and turbidity samples is not required to collect *E. coli* and turbidity samples when the system completes the requirements for *Cryptosporidium* monitoring under subsection (2)(A).

(B) *E. Coli* Sample Analysis. The analysis of *E. coli* samples must meet the analytical method and approved laboratory requirements of 10 CSR 60-5.010(3) and section (5) of this rule.

(C) *Cryptosporidium* Sample Analysis. The analysis of *Cryptosporidium* samples must meet the criteria in this subsection.

1. Laboratories must have analyzed *Cryptosporidium* samples using one (1) of these analytical methods:

A. Method 1623: *Cryptosporidium and Giardia in Water by Filtration/IMS/FA,* 2005, United States Environmental Protection Agency, EPA–815–R–05–002;

B. Method 1622: *Cryptosporidium in Water by Filtration/IMS/FA,* 2005, United States Environmental Protection Agency, EPA–815–R–05–001;

C. Method 1623: *Cryptosporidium and Giardia in Water by Filtration/IMS/FA,* 2001, United States Environmental Protection Agency, EPA–821–R–01–025;

D. Method 1622: *Cryptosporidium in Water by Filtration/IMS/FA,* 2001, United States Environmental Protection Agency, EPA–821–R–01–026;

E. Method 1623: *Cryptosporidium and Giardia in Water by Filtration/IMS/ FA,* 1999, United States Environmental Protection Agency, EPA–821–R–99–006; and

F. Method 1622: *Cryptosporidium in Water by Filtration/IMS/FA,* 1999, United States Environmental Protection Agency, EPA–821–R–99–001.

2. For each *Cryptosporidium* sample, the laboratory analyzed at least ten (10) L of sample or at least two (2) mL of packed pellet or as much volume as could be filtered by two (2) filters that EPA approved for the methods listed in paragraph (7)(C)1.

(D) Sampling Location. The sampling location must meet the conditions in section (4) of this rule.

(E) Sampling Frequency. *Cryptosporidium* samples were collected no less frequently than each calendar month on a regular schedule, beginning no earlier than January 1999. Sample collection intervals may vary for the conditions specified in paragraphs (3)(B)1. and 2. of this rule if the system provides documentation of the condition when reporting monitoring results.

1. The department may approve grandfathering of previously collected data where there are time gaps in the sampling frequency if the system conducts additional monitoring the department specifies to ensure that the data used to comply with the initial source water monitoring requirements of subsection (2)(A) of this rule are seasonally representative and unbiased.

2. Systems may grandfather previously collected data where the sampling frequency varied within each month. If the *Cryptosporidium* sampling frequency varied, systems must follow the monthly averaging procedure in paragraph (10)(B)5. of this rule, as applicable, when calculating the bin classification for filtered systems.

(F) Reporting Monitoring Results for Grandfathering. Systems that request to grandfather previously collected monitoring results must report the following information by the applicable dates listed in this subsection. Systems serving at least ten thousand (10,000) people must report this information to the EPA unless the department approves reporting to the department rather than the EPA. Systems serving fewer than ten thousand (10,000) people must report this information to the department.

1. Systems must report that they intend to submit previously collected monitoring results for grandfathering. This report must specify the number of previously collected results the system will submit, the dates of the first and last sample, and whether a system will conduct additional source water monitoring to meet the requirements of subsection (2)(A) of this rule. Systems must report this information no later than the date the sampling schedule under section (3) of this rule is required.

2. Systems must report previously collected monitoring results for grandfathering, along with the associated documentation listed in the following subparagraphs no later than two (2) months after the applicable date listed in subsection (2)(C) of this rule:

A. For each sample result, systems must report the applicable data elements in section (6) of this rule;

B. Systems must certify that the reported monitoring results include all results the system generated during the time period beginning with the first reported result and ending with the final reported result. This applies to samples that were collected from the sampling location specified for source water monitoring under this rule, not spiked, and analyzed using the laboratory's routine process for the analytical methods listed in this section;

C. Systems must certify that the samples were representative of a plant's source water(s) and the source water(s) have not changed. Systems must report a description of the sampling location(s), which must address the position of the sampling location in relation to the system's water source(s) and treatment processes, including points of chemical addition and filter backwash recycle; and

D. For *Cryptosporidium* samples, the laboratory or laboratories that analyzed the samples must provide a letter certifying that the quality control criteria specified in the methods listed in paragraph (7)(C)1. were met for each sample batch associated with the reported results. Alternatively, the laboratory may provide bench sheets and sample examination report forms for each field, matrix spike, Initial Precision and Recovery (IPR), Ongoing Precision and Recovery (OPR), and method blank sample associated with the reported results.

(G) If the department determines that a previously collected data set submitted for grandfathering was generated during source water conditions that were not normal for the system, such as a drought, the department may disapprove the data. Alternatively, the department may approve the previously collected data if the system reports additional source water monitoring data, as determined by the department, to ensure that the data set used under section (10) of this rule represents average source water conditions for the system.

(H) If a system submits previously collected data that fully meet the number of samples required for initial source water monitoring under subsection (2)(A) of this rule and some of the data are rejected due to not meeting the requirements of this section, systems must conduct additional monitoring to replace rejected data on a schedule the department approves. Systems are not required to begin this additional monitoring until two (2) months after notification that data have been rejected and additional monitoring is necessary.

(8) Disinfection Profiling and Benchmarking Requirements.

(A) Following the completion of initial source water monitoring, a system that plans to make a significant change to its disinfection

practice, as defined in this section, must develop disinfection profiles and calculate disinfection benchmarks for *Giardia lamblia* and viruses as described in section (9) of this rule. Prior to changing the disinfection practice, the system must notify the department and must include in this notice the following information:

1. A completed disinfection profile and disinfection benchmark for *Giardia lamblia* and viruses as described in section (9) of this rule;

2. A description of the proposed change in disinfection practice; and

3. An analysis of how the proposed change will affect the current level of disinfection.

(B) Significant changes to disinfection practice are defined as follows:

1. Changes to the point of disinfection;

2. Changes to the disinfectant(s) used in the treatment plant;

3. Changes to the disinfection process; or

4. Any other modification identified by the department as a significant change to disinfection practice.

(9) Developing the Disinfection Profile and Benchmark.

(A) Systems required to develop disinfection profiles under section (8) of this rule must follow the requirements of this section. Systems must monitor at least weekly for a period of twelve (12) consecutive months to determine the total log inactivation for *Giardia lamblia* and viruses. If systems monitor more frequently, the monitoring frequency must be evenly spaced. Systems that operate for fewer than twelve (12) months per year must monitor weekly during the period of operation. Systems must determine log inactivation for *Giardia lamblia* through the entire plant, based on $CT_{99.9}$ values in the *Guidance Manual for Surface Water System Treatment Requirements*, January 1992, as applicable. Systems must determine log inactivation for viruses through the entire treatment plant based on a protocol approved by the department.

(B) Systems with a single point of disinfectant application prior to the entrance to the distribution system must conduct the monitoring specified here. Systems with more than one (1) point of disinfectant application must conduct this monitoring for each disinfection segment. Systems must monitor the parameters necessary to determine the total inactivation ratio, using analytical methods in 10 CSR 60-5.010.

1. For systems using a disinfectant other than ultraviolet light (UV), the temperature of the disinfected water must be measured at each residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the department.

2. For systems using chlorine, the pH of the disinfected water must be measured at each chlorine residual disinfectant concentration sampling point during peak hourly flow or at an alternative location approved by the department.

3. The disinfectant contact time(s), (t), must be determined during peak hourly flow.

4. The residual disinfectant concentration(s), (C), of the water before or at the first customer and prior to each additional point of disinfectant application must be measured during peak hourly flow.

(C) In lieu of conducting new monitoring under subsection (9)(B), systems may elect to meet the requirements of paragraph (9)(C)1. or 2.

1. Systems that have at least one (1) year of existing data that are substantially equivalent to data collected under the provisions of subsection (9)(B) may use these data to develop disinfection profiles as specified in this section if the system has neither made a significant change to its treatment practice nor changed sources since the data were collected. Systems may develop disinfection profiles using up to three (3) years of existing data.

2. Systems may use disinfection profile(s) developed under 10 CSR 60-4.055(6)(C) in lieu of developing a new profile if the system has neither made a significant change to its treatment practice nor changed sources since the profile was developed. Systems that have not developed a virus profile under 10 CSR 60-4.055(6)(C) must develop a virus profile using the same monitoring data on which the *Giardia lamblia* profile is based.

(D) Systems must calculate the total inactivation ratio for *Giardia lamblia* as specified here.

1. Systems using only one (1) point of disinfectant application may determine the total inactivation ratio for the disinfection segment based on either of the methods in subparagraph (9)(D)1.A. or B.

A. Determine one (1) inactivation ratio ($CT_{calc}/CT_{99.9}$) before or at the first customer during peak hourly flow.

B. Determine successive $CT_{calc}/ CT_{99.9}$ values, representing sequential inactivation ratios, between the point of disinfectant application and a point before or at the first customer during peak hourly flow. The system must calculate the total inactivation ratio by determining ($CT_{calc}/CT_{99.9}$) for each sequence and then adding the ($CT_{calc}/ CT_{99.9}$) values together to determine ($\sum$ ($CT_{calc}/CT_{99.9}$)).

2. Systems using more than one (1) point of disinfectant application before the first customer must determine the CT value of each disinfection segment immediately prior to the next point of disinfectant application, or for the final segment, before or at the first customer, during peak hourly flow. The ($CT_{calc}/CT_{99.9}$) value of each segment and ($\sum$ ($CT_{calc}/CT_{99.9}$)) must be calculated using the method in subparagraph (9)(D)1.A. of this section.

3. The system must determine the total logs of inactivation by multiplying the value calculated in paragraph (9)(D)1. or 2. by three (3).

4. Systems must calculate the log of inactivation for viruses using a protocol approved by the department.

(E) Systems must use the procedures specified in paragraphs (9)(E)1. and 2. to calculate a disinfection benchmark.

1. For each year of profiling data collected and calculated under subsections (9)(A)–(D) of this rule, systems must determine the lowest mean monthly level of both *Giardia lamblia* and virus inactivation. Systems must determine the mean *Giardia lamblia* and virus inactivation for each calendar month for each year of profiling data by dividing the sum of daily or weekly *Giardia lamblia* and virus log inactivation by the number of values calculated for that month.

2. The disinfection benchmark is the lowest monthly mean value (for systems with one (1) year of profiling data) or the mean of the lowest monthly mean values (for systems with more than one (1) year of profiling data) of *Giardia lamblia* and virus log inactivation in each year of profiling data.

(10) Bin Classification for Filtered Systems.

(A) Following completion of the initial round of source water monitoring required under subsection (2)(A) of this rule, filtered systems must calculate an initial *Cryptosporidium* bin concentration for each plant for which monitoring was required. Calculation of the bin concentration must use the *Cryptosporidium* results reported under subsection (2)(A) of this rule and must follow the procedures in subsection (10)(B) of this rule.

(B) Procedures for Bin Determination.

1. For systems that collect a total of at least forty-eight (48) samples, the bin concentration is equal to the arithmetic mean of all sample concentrations.

2. For systems that collect a total of at least twenty-four (24) samples, but not more than forty-seven (47) samples, the bin concentration is equal to the highest arithmetic mean of all sample concentrations in any twelve (12) consecutive months during which *Cryptosporidium* samples were collected.

3. For systems that serve fewer than ten thousand (10,000) people and monitor for *Cryptosporidium* for only one (1) year (that is, collect twenty-four (24) samples in twelve (12) months), the bin concentration is equal to the arithmetic mean of all sample concentrations.

4. For systems with plants operating only part of the year that monitor fewer than twelve (12) months per year under subsection

(2)(E) of this rule, the bin concentration is equal to the highest arithmetic mean of all sample concentrations during any year of *Cryptosporidium* monitoring.

5. If the monthly *Cryptosporidium* sampling frequency varies, systems must first calculate a monthly average for each month of monitoring. Systems must then use these monthly average concentrations, rather than individual sample concentrations, in the applicable calculation for bin classification in paragraphs (10)(B)1.–5. of this rule.

(C) Filtered systems must determine their initial bin classification from the following table and using the *Cryptosporidium* bin concentration calculated under subsections (10)(A) and (B).

Bin Classification Table for Filtered Systems

For systems that are:	With a *Cryptosporidium* bin concentration (based on calculations in subsection (10)(A) or (10)(B) as applicable) of:	The bin classification is:
Required to monitor for *Cryptosporidium* under section (2) of this rule.	*Cryptosporidium* < 0.075 oocyst/L	Bin 1
	0.075 oocysts/L ≤ *Cryptosporidium* < 1.0 oocysts/L	Bin 2
	1.0 oocysts/L ≤ *Cryptosporidium* < 3.0 oocysts/L	Bin 3
	Cryptosporidium ≥ 3.0 oocysts/L	Bin 4
Serving fewer than 10,000 people and NOT required to monitor for *Cryptosporidium* under paragraph (2)(A)3.	NA	Bin 1

(D) Following completion of the second round of source water monitoring required under subsection (2)(B), filtered systems must recalculate their *Cryptosporidium* bin concentration using the *Cryptosporidium* results reported under subsection (2)(B) and following the procedures in paragraphs (10)(B)1. through 4. Systems must then redetermine their bin classification using this bin concentration and the table in subsection (10)(C) of this rule.

(E) Reporting Bin Classification Requirements.

1. Filtered systems must report their initial bin classification under subsection (10)(C) to the department for approval no later than six (6) months after the system is required to complete initial source water monitoring based on the schedule in subsection (2)(C) of this rule.

2. Systems must report their bin classification under subsection (10)(D) to the department for approval no later than six (6) months after the system is required to complete the second round of source water monitoring based on the schedule in subsection (2)(C) of this rule.

3. The bin classification report to the department must include a summary of source water monitoring data and the calculation procedure used to determine bin classification.

(F) Failure to comply with the conditions of subsection (10)(E) of this rule is a violation of the treatment technique requirement.

(11) Additional *Cryptosporidium* Treatment Requirements.

(A) Filtered systems must provide the level of additional treatment for *Cryptosporidium* specified in this subsection based on their bin classification as determined under section (10) of this rule and according to the schedule in section (12) of this rule.

If the system bin classification is:	And the system uses the following filtration treatment in full compliance with 10 CSR 60-4.050, 10 CSR 60-4.055, and 10 CSR 60-7.010 (as applicable), then the additional *Cryptosporidium* treatment requirements are:			
	Conventional filtration treatment (including softening)	Direct Filtration	Slow sand or diatomaceous earth filtration	Alternative filtration technologies
Bin 1	No additional treatment	No additional treatment	No additional treatment	No additional treatment
Bin 2	1-log treatment	1.5-log treatment	1-log treatment	As determined by the department such that the total *Cryptosporidium* removal and inactivation is at least 4.0-log.
Bin 3	2-log treatment	2.5-log treatment	2-log treatment	As determined by the department such that the total *Cryptosporidium* removal and inactivation is at least 5.0-log.
Bin 4	2.5-log treatment	3-log treatment	2.5-log treatment	As determined by the department such that the total *Cryptosporidium* removal and inactivation is at least 5.5-log.

(B) Filtered systems must use one (1) or more of the treatment and management options listed in section (13) of this rule, termed the Microbial Toolbox, to comply with the additional *Cryptosporidium* treatment required in subsection (11)(A) of this rule.

1. Systems classified in Bin 3 and Bin 4 must achieve at least 1-log of the additional *Cryptosporidium* treatment required under subsection (11)(A) of this rule using either one (1) or a combination of the following: bag filters, bank filtration, cartridge filters, chlorine dioxide, membranes, ozone, or UV, as described in sections (14) through (18) of this rule.

(C) Failure by a system in any month to achieve treatment credit by meeting criteria in sections (14) through (18) of this rule for microbial toolbox options that is at least equal to the level of treatment required in subsection (11)(A) of this rule is a violation of the treatment technique requirement.

(D) If the department determines during a sanitary survey or an equivalent source water assessment that, after a system completed the monitoring conducted under subsection (2)(A) or (2)(B) of this rule, significant changes occurred in the system's watershed that could lead to increased contamination of the source water by *Cryptosporidium,* the system must take actions specified by the department to address the contamination. These actions may include additional source water monitoring and/or implementing microbial toolbox options listed in section (13) of this rule.

(12) Schedule for Compliance With *Cryptosporidium* Treatment Requirements.

(A) Following initial bin classification under subsection (10)(C), filtered systems must provide the level of treatment for *Cryptosporidium* required under section (11) according to the following *Cryptosporidium* treatment compliance dates.

Cryptosporidium Treatment Compliance Dates Table	
Systems that serve:	Must comply with *Cryptosporidium* treatment requirements no later than the following dates, except that the department may allow up to an additional two (2) years for complying with the treatment requirement for systems making capital improvements:
1. At least 100,000 people	April 1, 2012
2. From 50,000 to 99,999 people	October 1, 2012
3. From 10,000 to 49,999 people	October 1, 2013
4. Fewer than 10,000 people	October 1, 2014

(B) If the bin classification for a filtered system changes following the second round of source water monitoring, as determined under subsection (10)(D) of this rule, the system must provide the level of treatment for *Cryptosporidium* required under section (11) of this rule on a schedule the department approves.

(13) Microbial Toolbox Options for Meeting *Cryptosporidium* Treatment Requirements.

(A) Systems receive the treatment credit listed in the table in subsection (13)(B) of this rule by meeting the conditions for microbial toolbox options described in sections (14) through (18) of this rule. Systems apply these treatment credits to meet the treatment requirements in section (11) of this rule, as applicable.

(B) The following table summarizes options in the microbial toolbox:

Microbial Toolbox Summary Table: Options, Treatment Credit, and Criteria

Toolbox Option	*Cryptosporidium* treatment credit with design and implementation criteria
Source Protection and Management Toolbox Options	
Watershed control program	0.5-log credit for department-approved program comprising required elements, annual program status report to the department, and regular watershed survey. Specific criteria are in subsection (14)(A).
Alternative source/intake management	No prescribed credit. Systems may conduct simultaneous monitoring for treatment bin classification at alternative intake locations or under alternative intake management strategies. Specific criteria are in subsection (14)(B).
Pre-Filtration Toolbox Options	
Presedimentation basin with coagulation	0.5-log credit during any month that presedimentation basins achieve a monthly mean reduction of 0.5-log or greater in turbidity or alternative department-approved performance criteria. To be eligible, basins must be operated continuously with coagulant addition and all plant flow must pass through basins. Specific criteria are in subsection (15)(A).
Two-stage lime softening	0.5-log credit for two-stage softening where chemical addition and hardness precipitation occur in both stages. All plant flow must pass through both stages. Single-stage softening is credited as equivalent to conventional treatment. Specific criteria are in subsection (15)(B).
Bank filtration	0.5-log credit for 25-foot setback; 1.0-log credit for 50-foot setback; aquifer must be unconsolidated sand containing at least 10 percent fines; average turbidity in wells must be less than 1 NTU. Systems using wells followed by filtration when conducting source water monitoring must sample the well to determine bin classification and are not eligible for additional credit. Specific criteria are in subsection (15)(C).
Treatment Performance Toolbox Options	
Combined filter performance	0.5-log credit for combined filter effluent turbidity less than or equal to 0.15 NTU in at least 95 percent of measurements each month. Specific criteria are in subsection (16)(A).
Individual filter performance	0.5-log credit (in addition to 0.5-log combined filter performance credit) if individual filter effluent turbidity is less than or equal to 0.15 NTU in at least 95 percent of samples each month in each filter and is never greater than 0.3 NTU in two consecutive measurements in any filter. Specific criteria are in subsection (16)(B).
Demonstration of performance	Credit awarded to unit process or treatment train based on a demonstration to the department with a department-approved protocol. Specific criteria are in subsection (16)(C).
Bag or cartridge filters (individual filters)	Up to 2-log credit based on the removal efficiency demonstrated during challenge testing with a 1.0-log factor of safety. Specific criteria are in subsection (17)(A).
Bag or cartridge filters (in series)	Up to 2.5-log credit based on the removal efficiency demonstrated during challenge testing with a 0.5-log factor of safety. Specific criteria are in subsection (17)(A).
Membrane filtration	Log credit equivalent to removal efficiency demonstrated in challenge test for device if supported by direct integrity testing. Specific criteria are in subsection (17)(B).

Second stage filtration	0.5-log credit for second separate granular media filtration stage if treatment train includes coagulation prior to first filter. Specific criteria are in subsection (17)(C).
Slow sand filtration	2.5-log credit as a secondary filtration step; 3.0-log credit as a primary filtration process. No prior chlorination for either option. Specific criteria are in subsection (17)(D).
Inactivation Toolbox Options	
Chlorine dioxide	Log credit based on measured CT in relation to CT table. Specific criteria in subsection (18)(B).
Ozone	Log credit based on measured CT in relation to CT table. Specific criteria in subsection (18)(B).
Ultra-violet	Log credit based on validated UV dose in relation to UV dose table; reactor validation testing required to establish UV dose and associated operating conditions. Specific criteria in subsection (18)(D).

(14) Source Toolbox Components.

(A) Watershed Control Program. Systems receive 0.5-log *Cryptosporidium* treatment credit for implementing a watershed control program that meets the requirements of this section.

1. Systems that intend to apply for the watershed control program credit must notify the department of this intent no later than two (2) years prior to the treatment compliance date applicable to the system in section (12) of this rule.

2. Systems must submit to the department a proposed watershed control plan no later than one (1) year before the applicable treatment compliance date in section (12) of this rule. The department must approve the watershed control plan for the system to receive watershed control program treatment credit. The watershed control plan must include the elements in subparagraphs (14)(A)2.A.–D. of this rule.

A. Identification of an "area of influence" outside of which the likelihood of *Cryptosporidium* or fecal contamination affecting the treatment plant intake is not significant. This is the area to be evaluated in future watershed surveys under subparagraph (14)(A)5.B.

B. Identification of both potential and actual sources of *Cryptosporidium* contamination and an assessment of the relative impact of these sources on the system's source water quality.

C. An analysis of the effectiveness and feasibility of control measures that could reduce *Cryptosporidium* loading from sources of contamination to the system's source water.

D. A statement of goals and specific actions the system will undertake to reduce source water *Cryptosporidium* levels. The plan must explain how the actions are expected to contribute to specific goals, identify watershed partners and their roles, identify resource requirements and commitments, and include a schedule for plan implementation with deadlines for completing specific actions identified in the plan.

3. Systems with existing watershed control programs (that is, programs in place on January 5, 2006) are eligible to seek this credit. Their watershed control plans must meet the criteria in paragraph (14)(A)2. of this rule and must specify ongoing and future actions that will reduce source water *Cryptosporidium* levels.

4. If the department does not respond to a system regarding approval of a watershed control plan submitted under this section and the system meets the other requirements of this section, the watershed control program will be considered approved and 0.5-log *Cryptosporidium* treatment credit will be awarded unless and until the department subsequently withdraws such approval.

5. Systems must complete the actions in subparagraphs (14)(A)5.A.–C. of this rule to maintain the 0.5-log credit.

A. Submit an annual watershed control program status report to the department. The annual watershed control program status report must describe the system's implementation of the approved plan and assess the adequacy of the plan to meet its goals. It must explain how the system is addressing any shortcomings in plan implementation, including those previously identified by the department or as the result of the watershed survey conducted under subparagraph (14)(A)5.B. of this rule. It must also describe any significant changes that have occurred in the watershed since the last watershed sanitary survey. If a system determines during implementation that making a significant change to its approved watershed control program is necessary, the system must notify the department prior to making any such changes. If any change is likely to reduce the level of source water protection, the system must also list in its notification the actions the system will take to mitigate this effect.

B. Undergo a watershed sanitary survey every three (3) years for community water systems and every five (5) years for noncommunity water systems and submit the survey report to the department. The survey must be conducted according to department guidelines and by persons the department approves.

(I) The watershed sanitary survey must meet the following criteria: encompass the region identified in the department-approved watershed control plan as the area of influence; assess the implementation of actions to reduce source water *Cryptosporidium* levels; and identify any significant new sources of *Cryptosporidium*.

(II) If the department determines that significant changes may have occurred in the watershed since the previous watershed sanitary survey, systems must undergo another watershed sanitary survey by a date the department requires, which may be earlier than the regular date in subparagraph (14)(A)5.B. of this rule.

C. The system must make the watershed control plan, annual status reports, and watershed sanitary survey reports available to the public upon request. These documents must be in a plain language style and include criteria by which to evaluate the success of the program in achieving plan goals. The department may approve systems to withhold from the public portions of the annual status report, watershed control plan, and watershed sanitary survey based on water supply security considerations.

6. If the department determines that a system is not carrying out the approved watershed control plan, the department may withdraw the watershed control program treatment credit.

(B) Alternative Source Requirements.

1. A system may conduct source water monitoring that reflects a different intake location (either in the same source or for an alternate source) or a different procedure for the timing or level of withdrawal from the source (alternative source monitoring). If the department approves, a system may determine its bin classification under section (10) of this rule based on the alternative source monitoring results.

2. If systems conduct alternative source monitoring under paragraph (14)(B)1. of this rule, systems must also monitor their current plant intake concurrently as described in section (2) of this rule.

3. Alternative source monitoring under paragraph (14)(B)1. of this rule must meet the requirements for source monitoring to determine bin classification, as described in sections (2)–(6) of this rule. Systems must report the alternative source monitoring results to the department, along with supporting information documenting the operating conditions under which the samples were collected.

4. If a system determines its bin classification under section (10) of this rule using alternative source monitoring results that reflect a different intake location or a different procedure for managing the timing or level of withdrawal from the source, the system must relocate the intake or permanently adopt the withdrawal procedure, as applicable, no later than the applicable treatment compliance date in section (12) of this rule.

(15) Pre-Filtration Treatment Toolbox Components.

(A) Presedimentation. Systems receive 0.5-log *Cryptosporidium* treatment credit for a presedimentation basin during any month the process meets the criteria in this subsection.

1. The presedimentation basin must be in continuous operation and must treat the entire plant flow taken from a surface water or GWUDISW source.

2. The system must continuously add a coagulant to the presedimentation basin.

3. The presedimentation basin must achieve the performance criteria in subparagraph (15)(A)3.A. or B. of this rule.

A. Demonstrates at least 0.5-log mean reduction of influent turbidity. This reduction must be determined using daily turbidity measurements in the presedimentation process influent and effluent and must be calculated as follows: $\log_{10}$(monthly mean of daily influent turbidity) − $\log_{10}$(monthly mean of daily effluent turbidity).

B. Complies with department-approved performance criteria that demonstrate at least 0.5-log mean removal of micron-sized particulate material through the presedimentation process.

(B) Two (2)-Stage Lime Softening. Systems receive an additional 0.5-log *Cryptosporidium* treatment credit for a two (2)-stage lime softening plant if chemical addition and hardness precipitation occur in two (2) separate and sequential softening stages prior to filtration. Both softening stages must treat the entire plant flow taken from a surface water or GWUDISW source.

(C) Bank Filtration. Systems receive *Cryptosporidium* treatment credit for bank filtration that serves as pretreatment to a filtration plant by meeting the criteria in this subsection. Systems using bank filtration when they begin source water monitoring under subsection (2)(A) of this rule must collect samples as described in subsection (4)(D) of this rule and are not eligible for this credit.

1. Wells with a ground water flow path of at least twenty-five feet (25') receive 0.5-log treatment credit; wells with a ground water flow path of at least fifty feet (50') receive 1.0-log treatment credit. The ground water flow path must be determined as specified in paragraph (15)(C)4. of this rule.

2. Only wells in granular aquifers are eligible for treatment credit. Granular aquifers are those comprised of sand, clay, silt, rock fragments, pebbles or larger particles, and minor cement. A system must characterize the aquifer at the well site to determine aquifer properties. Systems must extract a core from the aquifer and demonstrate that, in at least ninety percent (90%) of the core length, grains less than 1.0 mm in diameter constitute at least ten percent (10%) of the core material.

3. Only horizontal and vertical wells are eligible for treatment credit.

4. For vertical wells, the ground water flow path is the measured distance from the edge of the surface water body under high flow conditions (determined by the one hundred (100)-year floodplain elevation boundary or by the floodway, as defined in Federal Emergency Management Agency flood hazard maps) to the well screen. For horizontal wells, the ground water flow path is the measured distance from the bed of the river under normal flow conditions to the closest horizontal well lateral screen.

5. Systems must monitor each wellhead for turbidity at least once every four (4) hours while the bank filtration process is in operation. If monthly average turbidity levels, based on daily maximum values in the well, exceed one (1) nephelometric turbidity unit (NTU), the system must report this result to the department and conduct an assessment within thirty (30) days to determine the cause of the high turbidity levels in the well. If the department determines that microbial removal has been compromised, the department may revoke treatment credit until the system implements corrective actions approved by the department to remediate the problem.

6. Springs and infiltration galleries are not eligible for treatment credit under this section but are eligible for credit under subsection (16)(C) of this rule.

7. Bank filtration demonstration of performance. The department may approve *Cryptosporidium* treatment credit for bank filtration based on a demonstration of performance study that meets the criteria in this subsection. This treatment credit may be greater than 1.0-log and may be awarded to bank filtration that does not meet the criteria in paragraphs (15)(C)1.–5. of this rule.

A. The study must follow a department-approved protocol and must involve the collection of data on the removal of *Cryptosporidium* or a surrogate for *Cryptosporidium* and related hydrogeologic and water quality parameters during the full range of operating conditions.

B. The study must include sampling both from the production well(s) and from monitoring wells that are screened and located along the shortest flow path between the surface water source and the production well(s).

(16) Treatment Performance Toolbox Components.

(A) Combined Filter Performance. Systems using conventional filtration treatment or direct filtration treatment receive an additional 0.5-log *Cryptosporidium* treatment credit during any month the system meets the criteria in this subsection. Combined filter effluent (CFE) turbidity must be less than or equal to 0.15 NTU in at least ninety-five percent (95%) of the measurements. Turbidity must be measured as described in 10 CSR 60-4.050(3) and 10 CSR 60-4.080(3).

(B) Individual Filter Performance. Systems using conventional filtration treatment or direct filtration treatment receive 0.5-log *Cryptosporidium* treatment credit, which can be in addition to the 0.5-log credit under subsection (16)(A) during any month the system meets the criteria in this subsection. Compliance with these criteria must be based on individual filter turbidity monitoring as described in 10 CSR 60-4.050(3)(E) and 10 CSR 60-7.010(7).

1. The filtered water turbidity for each individual filter must be less than or equal to 0.15 NTU in at least ninety-five percent (95%) of the measurements recorded each month.

2. No individual filter may have a measured turbidity greater than 0.3 NTU in two (2) consecutive measurements taken fifteen (15) minutes apart.

3. Any system that has received treatment credit for individual filter performance and fails to meet the requirements of paragraph (16)(B)1. or 2. of this rule during any month does not receive a treatment technique violation under subsection (11)(C) of this rule if the department determines the following:

A. The failure was due to unusual and short-term circumstances that could not reasonably be prevented through optimizing treatment plant design, operation, and maintenance; and

B. The system has experienced no more than two (2) such failures in any calendar year.

(C) Demonstration of Performance. The department may approve *Cryptosporidium* treatment credit for drinking water treatment processes based on a demonstration of performance study that meets the criteria in this subsection. This treatment credit may be greater than or less than the prescribed treatment credits in section (11) or section (15) through section (18) of this rule and may be awarded to treatment processes that do not meet the criteria for the prescribed credits.

1. Systems cannot receive the prescribed treatment credit for any toolbox option in sections (15) through (18) if that toolbox option is included in a demonstration of performance study for which treatment credit is awarded under this paragraph.

2. The demonstration of performance study must follow a department-approved protocol and must demonstrate the level of *Cryptosporidium* reduction the treatment process will achieve under the full range of expected operating conditions for the system.

3. Approval by the department must be in writing and may include monitoring and treatment performance criteria that the system must demonstrate and report on an ongoing basis to remain eligible for the treatment credit. The department may designate such criteria, where necessary, to verify that the conditions under which the demonstration of performance credit was approved are maintained during routine operation.

(17) Additional Filtration Toolbox Components.

(A) Bag and Cartridge Filters. Systems receive *Cryptosporidium* treatment credit of up to 2.0-log for individual bag or cartridge filters and up to 2.5-log for bag or cartridge filters operated in series by meeting the criteria in paragraphs (17)(A)1. through 10. of this section. To be eligible for this credit, systems must report the results of challenge testing that meets the requirements of paragraphs (17)(A)2. through 9. to the department. The filters must treat the entire plant flow taken from a surface water or ground water under the direct influence of surface water source.

1. The *Cryptosporidium* treatment credit awarded to bag or cartridge filters must be based on the removal efficiency demonstrated during challenge testing that is conducted according to the criteria in paragraphs (17)(A)2. through 9. A factor of safety equal to 1-log for individual bag or cartridge filters and 0.5-log for bag or cartridge filters in series must be applied to challenge testing results to determine removal credit. Systems may use results from challenge testing conducted prior to January 5, 2006, if the prior testing was consistent with the criteria specified in paragraphs (17)(A)2. through 9.

2. Challenge testing must be performed on full-scale bag or cartridge filters, and the associated filter housing or pressure vessel, that are identical in material and construction to the filters and housings the system will use for removal of *Cryptosporidium*. Bag or cartridge filters must be challenge tested in the same configuration that the system will use, either as individual filters or as a series configuration of filters.

3. Challenge testing must be conducted using *Cryptosporidium* or a surrogate that is removed no more efficiently than *Cryptosporidium*. The microorganism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate must be determined using a method capable of discretely quantifying the specific microorganism or surrogate used in the test; gross measurements such as turbidity may not be used.

4. The maximum feed water concentration that can be used during a challenge test must be based on the detection limit of the challenge particulate in the filtrate (i.e., filtrate detection limit) and must be calculated using the following equation:

Maximum Feed Concentration = $1 \times 10^4 \times$ (Filtrate Detection Limit).

5. Challenge testing must be conducted at the maximum design flow rate for the filter as specified by the manufacturer.

6. Each filter evaluated must be tested for a duration sufficient to reach one hundred percent (100%) of the terminal pressure drop, which establishes the maximum pressure drop under which the filter may be used to comply with the requirements of this rule.

7. Removal efficiency of a filter must be determined from the results of the challenge test and expressed in terms of log removal values using the following equation:

$$LRV = LOG_{10}(C_f) - LOG_{10}(C_p)$$

Where:
LRV = log removal value demonstrated during challenge testing
C_f = the feed concentration measured during the challenge test
C_p = the filtrate concentration measured during the challenge test

In applying this equation, the same units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, then the term C_p must be set equal to the detection limit.

8. Each filter tested must be challenged with the challenge particulate during three (3) periods over the filtration cycle: within two (2) hours of start-up of a new filter; when the pressure drop is between forty-five percent and fifty-five percent (45%–55%) of the terminal pressure drop; and at the end of the cycle after the pressure drop has reached one hundred percent (100%) of the terminal pressure drop. An LRV must be calculated for each of these challenge periods for each filter tested. The LRV for the filter (LRV_{filter}) must be assigned the value of the minimum LRV observed during the three (3) challenge periods for that filter.

9. If fewer than twenty (20) filters are tested, the overall removal efficiency for the filter product line must be set equal to the lowest LRV_{filter} among the filters tested. If twenty (20) or more filters are tested, the overall removal efficiency for the filter product line must be set equal to the 10th percentile of the set of LRV_{filter} values for the various filters tested. The percentile is defined by $(i/(n+1))$ where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.

10. If a previously tested filter is modified in a manner that could change the removal efficiency of the filter product line, challenge testing to demonstrate the removal efficiency of the modified filter must be conducted and submitted to the department.

(B) Membrane Filtration Requirements.

1. Systems receive *Cryptosporidium* treatment credit for membrane filtration that meets the criteria of this paragraph. Membrane cartridge filters that meet the definition of membrane filtration in 10 CSR 60-2.015 are eligible for this credit. The level of treatment credit a system receives is equal to the lower of the values determined under subparagraphs (17)(B)1.A. and B.

A. The removal efficiency demonstrated during challenge testing conducted under the conditions in paragraph (17)(B)2.

B. The maximum removal efficiency that can be verified through direct integrity testing used with the membrane filtration process under the conditions in paragraph (17)(B)3.

2. Challenge testing. The membrane used by the system must undergo challenge testing to evaluate removal efficiency, and the system must report the results of challenge testing to the department. Challenge testing must be conducted according to the criteria in subparagraphs (17)(B)2.A. through H. Systems may use data from challenge testing conducted prior to January 5, 2006, if the prior testing was consistent with the criteria in subparagraphs (17)(B)2.A. through G.

A. Challenge testing must be conducted on either a full-scale membrane module, identical in material and construction to the membrane modules used in the system's treatment facility, or a smaller-scale membrane module, identical in material and similar in

construction to the full-scale module. A module is defined as the smallest component of a membrane unit in which a specific membrane surface area is housed in a device with a filtrate outlet structure.

B. Challenge testing must be conducted using *Cryptosporidium* oocysts or a surrogate that is removed no more efficiently than *Cryptosporidium* oocysts. The organism or surrogate used during challenge testing is referred to as the challenge particulate. The concentration of the challenge particulate, in both the feed and filtrate water, must be determined using a method capable of discretely quantifying the specific challenge particulate used in the test; gross measurements such as turbidity may not be used.

C. The maximum feed water concentration that can be used during a challenge test is based on the detection limit of the challenge particulate in the filtrate and must be determined according to the following equation:

$$\text{Maximum Feed Concentration} = 3.16 \times 10^6 \times (\text{Filtrate Detection Limit})$$

D. Challenge testing must be conducted under representative hydraulic conditions at the maximum design flux and maximum design process recovery specified by the manufacturer for the membrane module. Flux is defined as the throughput of a pressure-driven membrane process expressed as flow per unit of membrane area. Recovery is defined as the volumetric percent of feed water that is converted to filtrate over the course of an operating cycle uninterrupted by events such as chemical cleaning or a solids removal process (i.e., backwashing).

E. Removal efficiency of a membrane module must be calculated from the challenge test results and expressed as a log removal value according to the following equation:

$$LRV = LOG_{10}(C_f) - LOG_{10}(C_p)$$

Where:
LRV = log removal value demonstrated during the challenge test
C_f = the feed concentration measured during the challenge test
C_p = the filtrate concentration measured during the challenge test

Equivalent units must be used for the feed and filtrate concentrations. If the challenge particulate is not detected in the filtrate, the term C_p is set equal to the detection limit for the purpose of calculating the LRV. An LRV must be calculated for each membrane module evaluated during the challenge test.

F. The removal efficiency of a membrane filtration process demonstrated during challenge testing must be expressed as a log removal value ($LRV_{C\text{-}Test}$). If fewer than twenty (20) modules are tested, then $LRV_{C\text{-}Test}$ is equal to the lowest of the representative LRVs among the modules tested. If twenty (20) or more modules are tested, then $LRV_{C\text{-}Test}$ is equal to the 10th percentile of the representative LRVs among the modules tested. The percentile is defined by $(i/(n+1))$ where i is the rank of n individual data points ordered lowest to highest. If necessary, the 10th percentile may be calculated using linear interpolation.

G. The challenge test must establish a quality control release value (QCRV) for a non-destructive performance test that demonstrates the *Cryptosporidium* removal capability of the membrane filtration module. This performance test must be applied to each production membrane module used by the system that was not directly challenge tested in order to verify *Cryptosporidium* removal capability. Production modules that do not meet the established QCRV are not eligible for the treatment credit demonstrated during the challenge test.

H. If a previously tested membrane is modified in a manner that could change the removal efficiency of the membrane or the applicability of the non-destructive performance test and associated QCRV, additional challenge testing to demonstrate the removal efficiency of, and determine a new QCRV for, the modified membrane must be conducted and submitted to the department.

3. Direct integrity testing. Systems must conduct direct integrity testing in a manner that demonstrates a removal efficiency equal to or greater than the removal credit awarded to the membrane filtration process and meets the requirements described in subparagraphs (17)(B)3.A.–G. of this rule. A direct integrity test is defined as a physical test applied to a membrane unit in order to identify and isolate integrity breaches (that is, one (1) or more leaks that could result in contamination of the filtrate).

A. The direct integrity test must be independently applied to each membrane unit in service. A membrane unit is defined as a group of membrane modules that share common valving that allows the unit to be isolated from the rest of the system for the purpose of integrity testing or other maintenance.

B. The direct integrity method must have a resolution of three (3) micrometers or less, where resolution is defined as the size of the smallest integrity breach that contributes to a response from the direct integrity test.

C. The direct integrity test must have a sensitivity sufficient to verify the log treatment credit awarded to the membrane filtration process by the department, where sensitivity is defined as the maximum log removal value that can be reliably verified by a direct integrity test. Sensitivity must be determined using the approach in either part (17)(B)3.C.(I) or (II) of this section as applicable to the type of direct integrity test the system uses.

(I) For direct integrity tests that use an applied pressure or vacuum, the direct integrity test sensitivity must be calculated according to the following equation:

$$LRV_{DIT} = LOG_{10}\,(Q_p\,/(VCF \times Q_{breach}))$$

Where:
LRV_{DIT} = the sensitivity of the direct integrity test
Q_p = total design filtrate flow from the membrane unit
Q_{breach} = flow of water from an integrity breach associated with the smallest integrity test response that can be reliably measured
VCF = volumetric concentration factor

The volumetric concentration factor is the ratio of the suspended solids concentration on the high pressure side of the membrane relative to that in the feed water.

(II) For direct integrity tests that use a particulate or molecular marker, the direct integrity test sensitivity must be calculated according to the following equation:

$$LRV_{DIT} = LOG_{10}(C_f) - LOG_{10}(C_p)$$

Where:
LRV_{DIT} = the sensitivity of the direct integrity test
C_f = the typical feed concentration of the marker used in the test
C_p = the filtrate concentration of the marker from an integral membrane unit

D. Systems must establish a control limit within the sensitivity limits of the direct integrity test that is indicative of an integral membrane unit capable of meeting the removal credit awarded by the department.

E. If the result of a direct integrity test exceeds the control limit established under subparagraph (17)(B)3.D., the system must remove the membrane unit from service. Systems must conduct a direct integrity test to verify any repairs and may return the membrane unit to service only if the direct integrity test is within the established control limit.

F. Systems must conduct direct integrity testing on each membrane unit at a frequency of not less than once each day that the membrane unit is in operation. The department may approve less frequent testing, based on demonstrated process reliability, the use of multiple barriers effective for *Cryptosporidium*, or reliable process

safeguards.

4. Indirect integrity monitoring. Systems must conduct continuous indirect integrity monitoring on each membrane unit according to the criteria in subparagraphs (17)(B)4.A. through E. Indirect integrity monitoring is defined as monitoring some aspect of filtrate water quality that is indicative of the removal of particulate matter. A system that implements continuous direct integrity testing of membrane units in accordance with the criteria in subparagraphs (17)(B)3.A. through E. of this section is not subject to the requirements for continuous indirect integrity monitoring. Systems must submit a monthly report to the department summarizing all continuous indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken in each case.

A. Unless the department approves an alternative parameter, continuous indirect integrity monitoring must include continuous filtrate turbidity monitoring.

B. Continuous monitoring must be conducted at a frequency of no less than once every fifteen (15) minutes.

C. Continuous monitoring must be separately conducted on each membrane unit.

D. If indirect integrity monitoring includes turbidity and if the filtrate turbidity readings are above 0.15 NTU for a period greater than fifteen (15) minutes (i.e., two (2) consecutive fifteen (15)-minute readings above 0.15 NTU), direct integrity testing must immediately be performed on the associated membrane unit as specified in subparagraphs (17)(B)3.A. through E.

E. If indirect integrity monitoring includes a department-approved alternative parameter and if the alternative parameter exceeds a department-approved control limit for a period greater than fifteen (15) minutes, direct integrity testing must immediately be performed on the associated membrane units as specified in subparagraphs (17)(B)3.A. through E.

(C) Second Stage Filtration. Systems receive 0.5-log *Cryptosporidium* treatment credit for a separate second stage of filtration that consists of sand, dual media, granular activated carbon (GAC), or other fine grain media following granular media filtration if the department approves. To be eligible for this credit, the first stage of filtration must be preceded by a coagulation step, and both filtration stages must treat the entire plant flow taken from a surface water or GWUDISW source. A cap, such as GAC, on a single stage of filtration is not eligible for this credit. The department must approve the treatment credit based on an assessment of the design characteristics of the filtration process.

(D) Slow Sand Filtration (as Secondary Filter). Systems are eligible to receive 2.5-log *Cryptosporidium* treatment credit for a slow sand filtration process that follows a separate stage of filtration if both filtration stages treat entire plant flow taken from a surface water or GWUDISW source and no disinfectant residual is present in the influent water to the slow sand filtration process. The department must approve the treatment credit based on an assessment of the design characteristics of the filtration process. This subsection does not apply to treatment credit awarded to slow sand filtration used as a primary filtration process.

(18) Inactivation Toolbox Components.

(A) Calculation of CT Values.

1. CT is the product of the disinfectant contact time (T, in minutes) and disinfectant concentration (C, in milligrams per liter). Systems with treatment credit for chlorine dioxide or ozone under subsection (18)(B) or (C) must calculate CT at least once each day, with both C and T measured during peak hourly flow as specified in 10 CSR 60-5.010, 10 CSR 60-5.020, and the *Guidance Manual for Surface Water System Treatment Requirements*, January 1992.

2. Systems with several disinfection segments in sequence may calculate CT for each segment, where a disinfection segment is defined as a treatment unit process with a measurable disinfectant residual level and a liquid volume. Under this approach, systems must add the *Cryptosporidium* CT values in each segment to determine the total CT for the treatment plant.

(B) CT Values for Chlorine Dioxide and Ozone.

1. Systems receive the *Cryptosporidium* treatment credit listed in this table by meeting the corresponding chlorine dioxide CT value for the applicable water temperature, as described in subsection (18)(A). Systems may use this equation to determine log credit between the indicated values:

$$\text{Log credit} = (0.001506 \times (1.09116)^{\text{Temp}}) \times \text{CT}$$

CT Values (MG-MIN/L) for *Cryptosporidium* Inactivation By Chlorine Dioxide

Log credit	Water temperature, °C										
	≤ 0.5	1	2	3	5	7	10	15	20	25	30
0.25	159	153	140	128	107	90	69	45	29	19	12
0.5	319	305	279	256	214	180	138	89	58	38	24
1.0	637	610	558	511	429	360	277	179	116	75	49
1.5	956	915	838	767	643	539	415	268	174	113	73
2.0	1275	1220	1117	1023	858	719	553	357	232	150	98
2.5	1594	1525	1396	1278	1072	899	691	447	289	188	122
3.0	1912	1830	1675	1534	1286	1079	830	536	347	226	147

2. Systems receive the *Cryptosporidium* treatment credit listed in this table by meeting the corresponding ozone CT values for the applicable water temperature, as described in subsection (18)(A) of this rule.

CT Values (MG-MIN/L) for *Cryptosporidium* Inactivation by Ozone

Systems may use this equation to determine log credit between the indicated values: Log credit = $(0.0397 \times (1.09757)^{temp}) \times CT$

Log credit	Water Temperature, °C										
	≤ 0.5	1	2	3	5	7	10	15	20	25	30
0.25	6.0	5.8	5.2	4.8	4.0	3.3	2.5	1.6	1.0	0.6	0.39
0.5	12	12	10	9.5	7.9	6.5	4.9	3.1	2.0	1.2	0.78
1.0	24	23	21	19	16	13	9.9	6.2	3.9	2.5	1.6
1.5	36	35	31	29	24	20	15	9.3	5.9	3.7	2.4
2.0	48	46	42	38	32	26	20	12	7.8	4.9	3.1
2.5	60	58	52	48	40	33	25	16	9.8	6.2	3.9
3.0	72	69	63	57	47	39	30	19	12	7.4	4.7

(C) Site-Specific Study. The department may approve alternative chlorine dioxide or ozone CT values to those listed in subsection (18)(B) on a site-specific basis. The department must base this approval on a site-specific study a system conducts that follows a department-approved protocol.

(D) Ultraviolet Light. Systems receive C*ryptosporidium, Giardia lamblia,* and virus-treatment credits for ultraviolet (UV) light reactors by achieving the corresponding UV dose values shown in paragraph (18)(D)1. Systems must validate and monitor UV reactors as described in paragraphs (18)(D)2. and 3. to demonstrate that they are achieving a particular UV dose value for treatment credit.

1. UV dose table. The treatment credits listed in this table are for UV light at a wavelength of two hundred fifty-four nanometers (254 nm) as produced by a low pressure mercury vapor lamp. To receive treatment credit for other lamp types, systems must demonstrate an equivalent germicidal dose through reactor validation testing, as described in paragraph (18)(D)2. of this rule. The UV dose values in this table are applicable only to post-filter applications of UV in filtered systems.

UV Dose Table for *Cryptosporidium, Giardia lamblia*, and Virus Inactivation Credit			
Log credit	*Cryptosporidium* UV dose (mJ/cm^2)	*Giardia lamblia* UV dose (mJ/cm^2)	Virus UV dose (mJ/cm^2)
0.5	1.6	1.5	39
1.0	2.5	2.1	58
1.5	3.9	3.0	79
2.0	5.8	5.2	100
2.5	8.5	7.7	121
3.0	12	11	143
3.5	15	15	163
4.0	22	22	186

2. Reactor validation testing. Systems must use UV reactors that have undergone validation testing to determine the operating conditions under which the reactor delivers the UV dose required in paragraph (18)(D)1. (i.e., validated operating conditions). These operating conditions must include flow rate, UV intensity as measured by a UV sensor, and UV lamp status.

A. When determining validated operating conditions, systems must account for the following factors: UV absorbance of the water; lamp fouling and aging; measurement uncertainty of online sensors; UV dose distributions arising from the velocity profiles through the reactor; failure of UV lamps or other critical system components; and inlet and outlet piping or channel configurations of the UV reactor.

B. Validation testing must include the following: Full-scale testing of a reactor that conforms uniformly to the UV reactors used by the system and inactivation of a test microorganism whose dose response characteristics have been quantified with a low pressure mercury vapor lamp.

C. The department may approve an alternative approach to validation testing.

3. Reactor monitoring requirements.

A. Systems must monitor their UV reactors to determine if the reactors are operating within validated conditions, as determined under paragraph (18)(D)2. This monitoring must include UV intensity as measured by a UV sensor, flow rate, lamp status, and other parameters the department designates based on UV reactor operation. Systems must verify the calibration of UV sensors and must recalibrate sensors in accordance with a protocol the department approves.

B. To receive treatment credit for UV light, systems must treat at least ninety-five percent (95%) of the water delivered to the public during each month by UV reactors operating within validated conditions for the required UV dose, as described in paragraphs (18)(D)1. and 2. Systems must demonstrate compliance with this condition by the monitoring required under subparagraph (18)(D)3.A. of this rule.

(19) Reporting Requirements.

(A) Systems must report sampling schedules under section (3) of this rule and source water monitoring results under section (6) of this rule unless they notify the department that they will not conduct source water monitoring due to meeting the criteria of subsection (2)(D) of this rule.

(B) Filtered systems must report their *Cryptosporidium* bin classification as described in section (10) of this rule.

(C) Systems must report disinfection profiles and benchmarks to the department as described in sections (8) through (9) of this rule prior to making a significant change in disinfection practice.

(D) Systems must report to the department in accordance with the following table for any microbial toolbox options used to comply with treatment requirements under section (11) of this rule. Alternatively, the department may approve a system to certify operation within required parameters for treatment credit rather than reporting monthly operational data for toolbox options.

Microbial Toolbox Reporting Requirements		
Toolbox option	Systems must submit the following information	On the following schedule
Watershed control program (WCP)	(I) Notice of intention to develop a new or continue an existing watershed control program	No later than two years before the applicable treatment compliance date in section (12) of this rule
	(II) Watershed control plan	No later than one year before the applicable treatment compliance date in section (12) of this rule
	(III) Annual watershed control program status report	Every 12 months, beginning one year after the applicable treatment compliance date in section (12) of this rule
	(IV) Watershed sanitary survey report	For community water systems, every three years beginning three years after the applicable treatment compliance date in section (12) of this rule. For noncommunity water systems, every five years beginning five years after the applicable treatment compliance date in section (12) of this rule
Alternative source/intake management	Verification that system has relocated the intake or adopted the intake withdrawal procedure reflected in monitoring results	No later than the applicable treatment compliance date in section (12) of this rule
Presedimentation	Monthly verification of the following: (I) Continuous basin operation; (II) Treatment of 100% of the flow; (III) Continuous addition of a coagulate; and (IV) At least 0.5-log mean reduction of influent turbidity or compliance with alternative department-approved performance criteria	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Two-stage lime softening	Monthly verification of the following: (I) Chemical addition and hardness precipitation occurred in two separate and sequential softening stages prior to filtration; and (II) Both stages treated 100% of the plant flow	Monthly reporting within 10 days following the month in which the monitoring was conducted beginning on the applicable treatment compliance date in section (12) of this rule
Bank filtration	(I) Initial demonstration of the following: (A) Unconsolidated, predominantly sandy aquifer; and (B) Setback distance of at least 25 ft. (0.5-log credit) or 50 ft. (1.0-log credit)	No later than the applicable treatment compliance date in section (12) of this rule
	(II) If monthly average of daily max turbidity is greater than 1 NTU, then the system must report result and submit an assessment of the cause	Report within 30 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule

Combined filter performance	Monthly verification of combined filter effluent (CFE) turbidity levels less than or equal to 0.15 NTU in at least 95% of the 4 hour CFE measurements taken each month	Monthly reporting within 10 days following the month in which the monitoring was conducted beginning on the applicable treatment compliance date in section (12) of this rule
Individual filter performance	Monthly verification of the following: (I) Individual filter effluent (IFE) turbidity levels less than or equal to 0.15 NTU in at least 95% of samples each month in each filter; and (II) No individual filter greater than 0.3 NTU in two consecutive readings 15 minutes apart	Monthly reporting within 10 days following the month in which the monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Demonstration of performance	(I)Results from testing following a department approved protocol	No later than the applicable treatment compliance date in section (12) of this rule
	(II) As required by the department, monthly verification of operation within conditions of department approval for demonstration of performance credit	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Bag filters and cartridge filters	(I) Demonstration that the following criteria are met: (A) Process meets the definition of bag or cartridge filtration; and (B) Removal efficiency established through challenge testing that meets criteria in this rule	No later than the applicable treatment compliance date in section (12) of this rule
	(II) Monthly verification that 100% of plant flow was filtered	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Membrane filtration	(I) Results of verification testing demonstrating the following: (A) Removal efficiency established through challenge testing that meets criteria in this rule; and (B) Integrity test method and parameters, including resolution, sensitivity, test frequency, control limits, and associated baseline	No later than the applicable treatment compliance date in section (12) of this rule
	(II) Monthly report summarizing the following: (A) All direct integrity tests above the control limit; and (B) If applicable, any turbidity or alternative department approved indirect integrity monitoring results triggering direct integrity testing and the corrective action that was taken	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule

Second stage filtration	Monthly verification that 100% of flow was filtered through both stages and that first stage was preceded by coagulation step	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Slow sand filtration (as secondary filter)	Monthly verification that both a slow sand filter and a preceding separate stage of filtration treated 100% of flow from surface water and ground water under the direct influence of surface water sources	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Chlorine dioxide	Summary of CT values for each day as described in section (18) of this rule	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
Ozone	Summary of CT values for each day as described in section (18) of this rule	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule
UV	Validation test results demonstrating operating conditions that achieve required UV dose	No later than the applicable treatment compliance date in section (12) of this rule
	Monthly report summarizing the percentage of water entering the distribution system that was not treated by UV reactors operating within validated conditions for the required dose specified in subsection (18)(D) of this rule	Within 10 days following the month in which monitoring was conducted, beginning on the applicable treatment compliance date in section (12) of this rule

AUTHORITY: section 640.100, RSMo Supp. 2008. Original rule filed Feb. 27, 2009.

PUBLIC COST: This rule is anticipated to cost the Missouri Department of Natural Resources approximately one hundred twenty-seven thousand seven hundred sixty-two dollars ($127,762) annually each year the rule is in effect and approximately $2,084,765 in one-time aggregate costs for the duration of the rule. The rule is anticipated to cost publicly-owned public water systems using surface water or ground water under the direct influence of surface water approximately $35,135,519 in the aggregate.

PRIVATE COST: This rule is anticipated to cost fifteen (15) privately-owned public water systems using surface water or ground water under the direct influence of surface water approximately $7,197,529 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Contaminant Levels and Monitoring**

Rule Number and Name:	10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources (MDNR)	Estimated annual cost each year the rule is in effect = $127,762 Estimated aggregate monitoring costs = $2,084,765
Publicly-owned Public Water Systems using surface water or ground water under the influence of surface water	Estimated aggregate cost = $35,135,519

III. WORKSHEET

MDNR Costs:

1. MDNR estimated annual FTE cost.
   2.0 FTE Environmental Specialist III x $63,881 annually for each year the rule is in effect.

2. MDNR aggregate monitoring cost (contract).

   First round of source water monitoring = $833,906 contract costs
   3284 sampling events x $253.93 = $833,906

   Second round of source water monitoring = $1,250,859 contract costs
   3284 sampling events x $380.89 = $1,250,859

   Total estimated MDNR contract costs for source water monitoring = $2,084,765

Publicly-owned public water system costs:

1. Source water monitoring (sample collection): $190,799
   First round: 3284 sampling events x 2 hours per event x $15 per hour x 83% = $81,771
   Second round: 3284 sampling events x 2 hours per event x 20 per hour x 83% = $109,028

2. Disinfection profiling/benchmarking: $18,720
   2 hours per week X $15/hr X 52 weeks to create a disinfection profile/benchmark X 12 systems needing disinfection profiling/benchmarking = $18,720

3. Additional treatment: $34,926,000
   Estimate 30 systems whose source water monitoring indicates additional logs of removal credit (Bins 2, 3, or 4) will be necessary, which will require additional treatment at a potential aggregate cost of $34,926,000.

IV. ASSUMPTIONS

MDNR Assumptions:

1. MDNR assumes that implementing and enforcing this rule will require 2.0 FTE at the Environmental Specialist III level. Implementation activities include establishing source water monitoring contracts, coordinating source water monitoring schedules and related activities, following up on source water monitoring compliance, reviewing invoices, reviewing results, reviewing bin classifications, approving plans for treatment plant upgrades, conducting inspections on the upgrades, tracking public notice and other activities. Enforcement activities will include: coordinate with noncompliant water suppliers to establish schedules for returning to compliance;assist non-compliant water systems in understanding complex regulatory requirements; review and process variance and exemption applications; initiate formal enforcement actions as necessary; coordinate with and provide training to regional office staff; and provide information and technical assistance regarding available treatment or other compliance alternatives. Current average costs, including salary, indirect, fringe, and equipment and expense, is approximately $63,881 for the Environmental Specialist III classification. Average annual work hours for one FTE is estimated at 2,000 hours.

2. Contract costs for source water monitoring for the first round of monitoring for Missouri's 89 surface water and ground water under the direct influence of surface water (GUDISW) systems is $833,906.

3. Contract costs for the second round of monitoring are projected to increase by 50% due primarily to surging prices in shipping costs. This increase is shown in the worksheet.

4. MDNR assumes there will be 3,284 sampling events in the first round of source water monitoring and a similar number in the second round of monitoring. These sampling events include monitoring for *Crytposporidium*, *E. coli* and triggered *Crytposporidium* monitoring. Eighty-three percent of Missouri's surface water systems are publicly-owned.

5. MDNR assumes that samples will be collected by a water operator, and assumes based on historical data that the average wage paid to a water system operator is $15.00 per hour.

6. Systems that are going to make a significant change to their disinfection practices and who did not create a disinfection profile under existing surface water treatment rules must create one under this rule. Of the 74 publicly-owned surface water systems, MDNR estimates that 25% of them, or 19 systems, may be required to conduct a disinfection profile. It is estimated that five of these 19 have created a disinfection profile under existing rules for both Giardia and virus, leaving 12 publicly owned surface water systems to create a disinfection profile/benchmark under this new rule. MDNR assumes these 12 systems will spend two hours per week at an average FTE cost of $15 per hour, times 52 weeks, to create a disinfection profile/benchmark. 2 hours X $15hr X 52 weeks X 12 systems = $18,720.

7. Based on existing monitoring data, MDNR assumes that 30 surface water systems will be required to add additional treatment to meet the requirements of this new rule. The level of treatment required will depend on the "bin" classification of the system, which will be determined by the results of source water monitoring. The rule establishes four bins. Three bins require water systems to install additional treatment. The additional treatment options include source water, pretreatment, treatment performance, additional filtration and inactivation options (16 options in all). Costs will vary widely, depending on the bin classification and the treatment option the system selects.

8. The U.S. Environmental Protection Agency estimates initial capital and one-time costs for all affected systems nationwide will be $2,104,000,000. MDNR assumes that the impact on Missouri's public water systems will be comparable to that on similar public water systems in other states. Assuming

that Missouri's population is 5.8 million people and the national population is 304 million, Missouri's population is approximately 2% of the national population. On a per capita basis, 2% of the national cost estimate would equate to $42,080,000 for additional treatment for Missouri's systems affected by this rule. Given that 83% of these systems are publicly owned, the cost to Missouri's publicly owned surface water systems would be $34,926,000.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Contaminant Levels and Monitoring**

Rule Number and Name:	10 CSR 60-4.052 Source Water Monitoring and Enhanced Treatment Requirements
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
15	Privately-owned public water systems using surface water or groundwater under the influence of surface water	$7,197,529

III. Worksheet

1. Source water monitoring (sample collection): $39,069.60
   First round: 3284 sampling events x 2 hours per event x $15 per hour x 17% = $16,748.40
   Second round: 3284 sampling events x 2 hours per event x 20 per hour x 17% = $22,321,20

2. Disinfection profiling/benchmarking: $4,860.
   2 hours per week X $15/hr X 52 weeks to create a disinfection profile/benchmark X 3 systems needing disinfection profiling/benchmarking = $4,860.

3. Additional treatment: $7,153,600
   Estimate 6 systems whose source water monitoring indicates additional logs of removal credit (Bins 2, 3, or 4) will be necessary, which will require additional treatment at a potential aggregate cost of $7,153,600.

IV. ASSUMPTIONS

1. MDNR assumes there will be 3,284 sampling events in the first round of source water monitoring and a similar number in the second round of monitoring. These sampling events include monitoring for *Crytposporidium*, *E. coli* and triggered *Crytposporidium* monitoring. Seventeen percent of Missouri's public water systems using surface water are privately owned.

2. MDNR assumes that samples will be collected by a water operator, and assumes based on historical data that the average wage paid to a water system operator is $15.00 per hour.

3. Systems that are going to make a significant change to their disinfection practices and who did not create a disinfection profile under existing surface water treatment rules must create one under this rule. Of the 15 privately-owned surface water systems, MDNR estimates that 2% of them, or 4 systems, may be required to conduct a disinfection profile. It is estimated that one of them have created a disinfection profile under existing rules for both Giardia and virus, leaving 3 privately owned surface water systems to create a disinfection profile/benchmark under this new rule. MDNR assumes these 3 systems will spend two hours per week at an average FTE cost of $15 per hour, times 52 weeks, to create a disinfection profile/benchmark. 2 hours X $15hr X 52 weeks X 3 systems = $4,860.

4. Based on existing monitoring data, MDNR assumes that 6 privately-owned surface water systems will be required to add additional treatment to meet the requirements of this new rule. The level of treatment required will depend on the "bin" classification of the system, which will be determined by the results of source water monitoring. The rule establishes four bins. Three bins require water systems to install additional treatment. The additional treatment options include source water, pretreatment, treatment performance, additional filtration and inactivation options (16 options in all). Costs will vary widely, depending on the bin classification and the treatment option the system selects.

5. The U.S. Environmental Protection Agency estimates initial capital and one-time costs for all affected systems nationwide will be $2,104,000,000. MDNR assumes that the impact on Missouri's public water systems will be comparable to that on similar public water systems in other states. Assuming that Missouri's population is 5.8 million people and the national population is 304 million, Missouri's population is approximately 2% of the national population. On a per capita basis, 2% of the national cost estimate would equate to $42,080,000 for additional treatment for Missouri's systems affected by this rule. Given that 17% of these systems are privately owned, the cost to Missouri's privately owned surface water systems would be $7,153,000.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 4—Contaminant Levels and Monitoring

PROPOSED AMENDMENT

10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products. The commission is amending section (1) and subsections (3)(B), (3)(F), and (4)(D) of this rule.

PURPOSE: This amendment adopts without variance new federal requirements for the regulation of disinfectants and disinfection by-products.

(1) Applicability. This rule applies to community water systems and nontransient noncommunity water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process or provide water that contains a chemical disinfectant and to water treatment plants proposed for construction or major modification as indicated in this section. The rule has different requirements and compliance dates, based on system size and type of source water.

(A) Community water systems serving **ten thousand (**10,000**)** or more people and using surface water or ground water under the direct influence of surface water (GWUDISW) must continue complying with the maximum contaminant level (MCL) of 0.10 for total trihalomethanes (TTHM) and section (3) of this rule until December 31, 2001. Beginning January 1, 2002, these systems and nontransient noncommunity water systems serving **ten thousand (**10,000**)** or more people and using surface water or GWUDISW must comply with sections *[(4)–(5)]* **(3)–(4)** of this rule and the MCLs of 0.080 for TTHM, 0.060 for haloacetic acids five (HAA5), 0.010 for bromate, and 1.0 for chlorite.

(B) Community water systems and nontransient noncommunity water systems serving less than **ten thousand (**10,000**)** people and using surface water or GWUDISW. Beginning January 1, 2004, these systems must comply with sections *[(4)–(5)]* **(3)–(4)** of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

(C) Community water systems and nontransient noncommunity water systems using ground water. Beginning January 1, 2004, these systems must comply with sections *[(4)–(5)]* **(3)–(4)** of this rule and the MCLs of 0.080 for TTHM, 0.060 for HAA5, 0.010 for bromate, and 1.0 for chlorite.

Table 1. Compliance with Disinfection By-Product Requirements

Who must comply	When	MCLs (mg/l)	Compliance Requirements
Community water systems serving 10,000 or more people and using surface water or groundwater under the direct influence of surface water (GWUDISW)	Oct. 11, 1981 to Dec. 31, 2001	TTHM 0.10	Section (2)
Community water systems and nontransient noncommunity water systems serving 10,000 or more people and using surface water or GWUDISW	Jan. 1, 2002	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems serving less than 10,000 people and using surface water or GWUDISW	Jan. 1, 2004	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)
Community water systems and nontransient noncommunity water systems using groundwater	Jan. 1, 2004	TTHM 0.080 HAA5 0.060 Bromate 0.010 Chlorite 1.0	Sections (3) and (4)

(D) *[A system that is installing granular activated carbon (GAC) or membrane technology to comply with this rule may apply to the department for an extension of up to twenty-four (24) months past December 16, 2001 but not beyond December 31, 2003. In granting the extension, the department will set a schedule for compliance and may specify any interim measures that the system must take. Failure to meet the schedule or interim treatment requirements constitutes a violation of the drinking water regulations.]* **Stage 2 Disinfectants/Disinfection By-Products—Locational Running Annual Average (LRAA) Compliance. The MCLs of 0.080 mg/L for TTHM and 0.060 mg/L for HAA5 must be complied with as a locational running annual average at each monitoring location beginning with the date specified for Stage 2 compliance in 10 CSR 60-4.094(1)(C).**

(3) Monitoring Requirements and Plan.

(B) Monitoring Requirements for Disinfection By-Products.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

Table 2. Routine Monitoring Frequency for TTHM and HAA5

Surface water or GWUDISW system serving at least 10,000 people.	Four (4) water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.[1]
Surface water or GWUDISW system serving from 500 to 9,999 people.	One (1) water sample per quarter per treatment plant.	Locations representing maximum residence time.[1]
Surface water or GWUDISW system serving fewer than 500 people.	One (1) sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.
System using only ground water not under the direct influence of surface water using chemical disinfectant and serving at least 10,000 people.	One (1) water sample per quarter per treatment plant.[2]	Locations representing maximum residence time.[1]
System using only ground water not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One (1) sample per year per treatment plant[2] during month of warmest water temperature.	Locations representing maximum residence time.[1] If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.

[1]If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

[2]Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency TTHM and HAA5

If you are a ...	You may reduce monitoring if you have monitored at least once a year and your...	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, ≤4.0 mg/*[/]*L.	TTHM annual average ≤0.040 mg/*[/]*L and HAA5 annual average ≤0.030 mg/*[/]*L.	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, ≤4.0 mg/*[/]*L.	TTHM annual average ≤0.040 mg/*[/]*L and HAA5 annual average ≤0.030 mg/*[/]*L.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one (1) sample per treatment plant per year.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average ≤0.040 mg/*[/]*L and HAA5 annual average ≤0.030 mg/*[/]*L.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only ground water not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average ≤0.040 mg/*[/]*L and HAA5 annual average ≤0.030 mg/*[/]*L for two (2) consecutive years OR TTHM annual average ≤0.20 mg/*[/]*L and HAA5 annual average ≤0.015 mg/*[/]*L for one (1) year.	One (1) sample per treatment plant every three (3) years at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three (3)-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Monitoring requirements for source water TOC. In order to qualify for reduced monitoring for TTHM and HAA5 under subparagraph (3)(B)1.B. of this rule, surface water and ground water under the direct influence of surface water (GWUDISW) systems not monitoring under the provisions of subsection (3)(D) of this rule must take monthly TOC samples every thirty (30) days at a location prior to any treatment, beginning April 1, 2008, or earlier, if specified by the department. In addition to meeting other criteria for reduced monitoring in subparagraph (3)(B)1.B. of this rule, the source water TOC running annual average must be less than or equal to 4.0 mg/l (based on the most recent four (4) quarters of monitoring) on a continuing basis at each treatment plant to reduce or remain on reduced monitoring for TTHM and HAA5. Once qualified for reduced monitoring for TTHM and HAA5 under subparagraph (3)(B)1.B. of this rule, a system may reduce source water TOC monitoring to quarterly TOC samples taken every ninety (90) days at a location prior to any treatment.

*[C.]***D.** Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/*[/]*L for TTHMs and 0.045 mg/*[/]*L for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2: Routine Monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. For systems using only ground water not under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than 0.080 mg/*[/]*L or the HAA5 annual average is greater than 0.060 mg/*[/]*L, the system must go to increased monitoring. Systems on increased monitoring may return to routine monitoring if after at least one (1) year of monitoring their TTHM annual average is less than or equal to 0.060 mg/L and HAA5 annual average is less than or equal to 0.045 mg/*[/]*L, respectively.

*[D.]***E.** The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted

under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by *[item]* **part** (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by *[item]* **part** (3)(B)2.A.(II) of this rule may be reduced to one (1) three (3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under *[item]* **part** (3)(B)2.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subparagraph (3)(B)2.B. of this rule. The system may remain on the reduced monitoring schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under *[item]* **part** (3)(B)2.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (3)(B)2.B. of this rule, at which time the system must revert to routine monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient noncommunity systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring.

(I) Through March 31, 2009, *[S]***s**ystems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system**'s** *[demonstrates that the average source water bromide concentration is]* **average source water bromide concentration is** less than 0.05 mg/***[/]*****L** based *[up]*on representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/***[/]*****L** based *[up]*on representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/***[/]*****L**, the system must resume routine monitoring **required by subparagraph (3)(B)3.A. of this rule in the following month**.

(II) Beginning April 1, 2009, systems may no longer use the provisions of the preceding part (3)(B)3.B.(I) to qualify for reduced monitoring. A system required to analyze for bromate may reduce monitoring from monthly to quarterly, if the system's running annual average bromate concentration is less than or equal to 0.0025 mg/L based on monthly bromate measurements under subparagraph (3)(B)3.A. of this rule for the most recent four (4) quarters, with samples analyzed using Method 317.0 Revision 2.0, 326.0, or 321.8. If a system has qualified for reduced bromate monitoring under part (3)(B)3.B.(I), that system may remain on reduced monitoring as long as the running annual average of quarterly bromate samples is $\leq$0.0025 mg/L based on samples analyzed using Method 317.0 Revision 2.0, 326.0, or 321.8. If the running annual average bromate concentration is $>$0.0025 mg/L, the system must resume routine monitoring required by subparagraph (3)(B)3.A. of this rule.

(4) Compliance Requirements.

(D) Disinfection By-Product Precursors (DBPP).

1. Systems using surface water or ground water under the direct influence of surface water and using conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in this rule unless the system meets at least one (1) of the alternative compliance criteria listed here. These systems must still comply with monitoring requirements in sections (3)–(4) of this rule. The alternative compliance criteria for enhanced coagulation and enhanced softening are:

A. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/***[/]*****L**, calculated quarterly as a running annual average;

B. The system's treated water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/***[/]*****L**, calculated quarterly as a running annual average;

C. The system's source water TOC level, measured according to 10 CSR 60-5.010, is less than 4.0 mg/***[/]*****L**, calculated quarterly as a running annual average; the source water alkalinity, measured according to 10 CSR 60-5.010, is greater than sixty (60) mg/***[/]*****L** (as $CaCO_3$), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/***[/]*****L** and 0.030 mg/***[/]*****L**, respectively; or prior to the effective date for compliance with this rule, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance with this rule to use *[of]* technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/***[/]*****L** and 0.030 mg/***[/]*****L**, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the department for approval not later than the effective date for compliance with this rule. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation;

D. The TTHM and HAA5 running annual averages are no greater than 0.040 mg/***[/]*****L** and 0.030 mg/***[/]*****L**, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system;

E. The system's source water SUVA, prior to any treatment and measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 ***[/]*****L**/mg-m, calculated quarterly as a running annual average. SUVA refers to Specific Ultraviolet Absorption at two hundred fifty-four nanometers (254 nm), an indicator of the humic content of water. It is a calculated parameter obtained by dividing a sample's ultraviolet absorption at a wavelength of 254 nm (UV_{254}) (in $m^{=1}$) by its concentration of dissolved organic carbon (DOC) (in mg/***[/]*****L**); and

F. The system's finished water SUVA, measured monthly according to 10 CSR 60-5.010, is less than or equal to 2.0 ***[/]*****L**/mg-m, calculated quarterly as a running annual average.

2. Additional alternative compliance criteria for softening systems. Systems practicing enhanced softening that cannot achieve the Step 1 TOC removals may use the alternative compliance criteria listed here in lieu of complying with paragraph (4)(D)3. of this rule. Systems must still comply with monitoring requirements in sections (3)–(4) of this rule.

A. Softening that results in lowering the treated water alkalinity to less than sixty (60) mg/l***[/]*****L** (as $CaCO_3$), measured monthly according to 10 CSR 60-5.010 and calculated quarterly as a running annual average.

B. Softening that results in removing at least ten (10) mg/***[/]*****L** of magnesium hardness (as $CaCO_3$), measured monthly **according to 10 CSR 60-5.010** and calculated quarterly as an annual running average.

3. Enhanced coagulation and enhanced softening performance requirements.

A. Systems must achieve the percent reduction of TOC specified in Table 4 between the source water and the combined filter effluent, unless the department approves a system's request for alternate minimum TOC removal (Step 2) requirements. Systems may

begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under part (4)(D)4.A.(IV) of this rule is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to 10 CSR 60-8.010 in addition to reporting to the department pursuant to 10 CSR 60-7.010.

B. Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with 10 CSR 60-5.010. Systems practicing softening are required to meet the Step 1 TOC reductions in the far right column (Source water alkalinity >120 mg/**///L**) for the specified source water TOC

Table 4: Required Step 1 TOC Reduction

Step 1 Required Removal of TOC by Enhanced Coagulation and Enhanced Softening for Surface Water and GWUDISW Systems Using Conventional Treatment[1,2]			
	Source water alkalinity, mg///L as $CaCO_3$		
Source water TOC, mg///L	0–60	>60–120	>120[3]
>2.0–4.0	35.0%	25.0%	15.0%
>4.0–8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

[1]Systems meeting at least one **(1)** of the conditions in paragraph (4)(D)1. of this rule are not required to operate with enhanced coagulation.

[2]Softening systems meeting one **(1)** of the alternative compliance criteria in paragraph (4)(D)1. of this rule are not required to operate with enhanced softening.

[3]Systems practicing softening must meet the TOC removal requirements in this column.

C. Conventional treatment systems using surface water or ground water under the direct influence of surface water that cannot achieve the Step 1 TOC removals due to water quality parameters or operational constraints must apply to the department, within three (3) months of failure to achieve the Step 1 TOC removals, for approval of alternative minimum TOC removal (Step 2) requirements submitted by the system. If the department approves the alternative minimum TOC removal (Step 2) requirements, the department may make those requirements retroactive for the purposes of determining compliance. Until the department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals.

D. Alternate minimum TOC removal (Step 2) requirements. Applications made to the department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under subparagraph (4)(D)3.C. of this rule must include, as a minimum, results of bench- or pilot-scale testing conducted under this subparagraph (4)(D)3.D. and used to determine the alternate enhanced coagulation level.

(I) Alternate enhanced coagulation level is defined as coagulation at a coagulant dose and pH as determined by the method described here such that an incremental addition of ten (10) mg/**///L** of alum (or equivalent amount of ferric salt) results in a TOC removal of less than or equal to 0.3 mg/**///L**. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the department, this minimum requirement supersedes the minimum TOC removal required by Table 4 of this rule. This requirement will be effective until such time as the department approves a new value based on the results of a new bench- and pilot-scale test. Failure to achieve department-set alternative minimum TOC removal levels is a violation.

(II) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/**///L** increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in Table 5.

Table 5: Enhanced Coagulation Step 2 Target pH

Alkalinity (mg///L as $CaCO_3$)	Target pH
0–60	5.5
>60–120	6.3
>120–240	7.0
>240	7.5

(III) For waters with alkalinities of less than sixty (60) mg/**///L** for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/**///L** per 10 mg/**///L** alum added (or equivalent addition of iron coagulant) is reached.

(IV) The system may operate at any coagulant dose or pH necessary (consistent with other regulatory requirements) to achieve the minimum TOC percent removal approved under subsection (3)(C) of this rule.

(V) If the TOC removal is consistently less than 0.3 mg/**///L** of TOC per 10 mg/**///L** of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the department for a waiver of enhanced coagulation requirements.

4. Compliance calculations.

A. Systems using surface water or ground water under the direct influence of surface water, other than those identified in paragraphs (4)(D)1. or 2. of this rule, must comply with requirements contained in subparagraph (4)(D)3.B. of this rule. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

(I) Determine actual monthly TOC percent removal, equal to: (1 – (treated water TOC/source water TOC)) × 100;

(II) Determine the required monthly TOC percent removal;

(III) Divide the value in part (4)(D)4.A.(I) by the value in part (4)(D)4.A(II); and

(IV) Add together the results of part (4)(D)4.A.(III) for the last twelve (12) months and divide by twelve (12). If the value calculated is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

B. Systems may use the following provisions in lieu of the calculations in subparagraph (4)(D)4.A. of this rule to determine compliance with TOC percent removal requirements:

(I) In any month that the system's treated or source water TOC level, measured according to 10 CSR 60-5.010, is less than 2.0 mg/**///L**, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(II) In any month that a system practicing softening removes at least 10 mg/**///L** of magnesium hardness (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(III) In any month that the system's source water SUVA, prior to any treatment and measured according to 10 CSR 60-5.010, is less than or equal to 2.0 *[/]***L**/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule);

(IV) In any month that the system's finished water SUVA, measured according to 10 CSR 60-5.010, is less than or equal to 2.0 *[/]***L**/mg-m, the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule); and

(V) In any month that a system practicing enhanced softening lowers alkalinity below sixty (60) mg/*[/]***L** (as $CaCO_3$), the system may assign a monthly value of 1.0 (in lieu of the value calculated in part (4)(D)4.A.(III) of this rule).

C. Systems using conventional treatment and surface water or ground water under the direct influence of surface water may also comply with the requirements of this rule by meeting the criteria in paragraph (4)(D)1. or 2. of this rule.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2008**. Original rule filed April 14, 1981, effective Oct. 11, 1981. Amended: Filed Feb. 1, 1996, effective Oct. 30, 1996. Amended: Filed Dec. 15, 1999, effective Sept. 1, 2000. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.092 Initial Distribution System Evaluation

PURPOSE: This rule incorporates by reference the Stage 2 Disinfectants/Disinfection By-Products Rule initial distribution system evaluation requirements found in 40 CFR part 141 subpart U, July 1, 2007.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The regulations set forth in 40 CFR part 141 subpart U, July 1, 2007, are incorporated by reference, subject to the clarification in section (2) of this rule. The *Code of Federal Regulations* is published by the U.S. Government and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov. The address is: U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 20402-0001. This does not include later amendments or additions.

(2) Clarifications to the Incorporation by Reference.

(A) Missouri Department of Natural Resources shall be substituted for U.S. Environmental Protection Agency, EPA, the state, or primacy agency wherever those terms appear in the incorporated subpart.

(B) "Director" shall be substituted for administrator wherever that term appears in the incorporated subpart.

AUTHORITY: section 640.100, RSMo Supp. 2008. Original rule filed Feb. 27, 2009.

PUBLIC COST: This proposed rule is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 4—Contaminant Levels and Monitoring

PROPOSED RULE

10 CSR 60-4.094 Stage 2 Disinfectants/Disinfection By-Products

*PURPOSE: This rule establishes monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages for certain disinfection by-products and for achieving compliance with maximum residual disinfectant levels for chlorine and chloramine for certain consecutive systems. This rule incorporates the requirements of subpart V of 40 CFR part 141, Stage 2 Disinfectants/Disinfection By-Products, published in the January 4, 2006 **Federal Register**.*

(1) Stage 2 Disinfectants/Disinfection By-Products (D/DBP) Rule General Requirements.

(A) The requirements of this rule constitute national primary drinking water regulations. This rule establishes monitoring and other requirements for achieving compliance with maximum contaminant levels based on locational running annual averages (LRAA) for total trihalomethanes (TTHM) and haloacetic acids five (HAA5), and for achieving compliance with maximum residual disinfectant residuals for chlorine and chloramine for certain consecutive systems.

(B) Applicability. This rule applies to community water systems and nontransient noncommunity water systems that use a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

(C) Compliance Schedules.

1. Systems must comply with the requirements in this rule on the following schedule. The department may grant up to an additional twenty-four (24) months beyond the deadlines specified below for compliance with maximum contaminant levels (MCL) and operational evaluation levels if capital improvements are required to comply with an MCL.

A. Systems that are not part of a combined distribution system and systems that serve the largest population in the combined distribution system.

(I) Systems serving ≥ 100,000 population must comply with this rule by April 1, 2012.

(II) Systems serving 50,000–99,999 population must comply with this rule by October 1, 2012.

(III) Systems serving 10,000–49,999 population must comply with this rule by October 1, 2013.

(IV) Systems serving <10,000 population must comply with this rule by October 1, 2013 if no *Cryptosporidium* monitoring is required under 10 CSR 60-4.052(2)(A)4. or October 1, 2014, if *Cryptosporidium* monitoring is required under 10 CSR 60-4.052(2)(A)4.

B. Other systems that are part of a combined distribution system. Consecutive system or wholesale system must comply with this rule at the same time as the system with the earliest compliance date in the combined distribution system.

2. Monitoring frequency is specified in paragraph (2)(A)2. of this rule.

A. If you are required to conduct quarterly monitoring, you must begin monitoring in the first full calendar quarter that includes the applicable compliance date in paragraph (1)(C)1. of this rule.

B. If you are required to conduct monitoring at a frequency that is less than quarterly, you must begin monitoring in the calendar month recommended in the Initial Distribution System Evaluation (IDSE) report prepared under Standard Monitoring or the System Specific studies in 40 CFR part 141 subpart U, incorporated by reference in 10 CSR 60-4.092, or the calendar month identified in the monitoring plan developed under section (3) of this rule no later than twelve (12) months after the compliance date in this table.

3. If you are required to conduct quarterly monitoring, you must make compliance calculations at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter (or earlier if the LRAA calculated based on fewer than four (4) quarters of data would cause the MCL to be exceeded regardless of the monitoring results of subsequent quarters). If you are required to conduct monitoring at a frequency that is less than quarterly, you must make compliance calculations beginning with the first compliance sample taken after the compliance date.

4. For the purpose of the schedule in paragraph (1)(C)1. of this rule, the department may determine that the combined distribution system does not include certain consecutive systems based on factors such as receiving water from a wholesale system only on an emergency basis or receiving only a small percentage and small volume of water from a wholesale system. The department may also determine that the combined distribution system does not include certain wholesale systems based on factors such as delivering water to a consecutive system only on an emergency basis or delivering only a small percentage and small volume of water to a consecutive system.

(D) Monitoring and Compliance.

1. Systems required to monitor quarterly. To comply with MCLs in section 10 CSR 60-4.090(1)(D) you must calculate LRAAs for TTHM and HAA5 using monitoring results collected under this rule and determine that each LRAA does not exceed the MCL. If you fail to complete four (4) consecutive quarters of monitoring, you must calculate compliance with the MCL based on the average of the available data from the most recent four (4) quarters. If you take more than one (1) sample per quarter at a monitoring location, you must average all samples taken in the quarter at that location to determine a quarterly average to be used in the LRAA calculation.

2. Systems required to monitor yearly or less frequently. To determine compliance with the Stage 2 D/DBP MCLs in subsection 10 CSR 60-4.090(1)(D), you must determine that each sample taken is less than the MCL. If any sample exceeds the MCL, you must comply with the requirements of section (6) of this rule. If no sample exceeds the MCL, the sample result for each monitoring location is considered the LRAA for that monitoring location.

(E) Violation. You are in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if you fail to monitor.

(2) Routine Monitoring.

(A) Monitoring.

1. If you submitted an IDSE report, you must begin monitoring at the locations and months you have recommended in your IDSE report submitted under the monitoring location recommendations and chart in 40 CFR part 141 subpart U, which is incorporated by reference in 10 CSR 60-4.092, following the schedule in subsection (1)(C) of this rule, unless the department requires other locations or additional locations after its review. If you submitted a 40/30 certification or qualified for a very small system waiver under 40 CFR part 141 subpart U, which is incorporated by reference in 10 CSR 60-4.092, or you are a nontransient noncommunity water system serving less than ten thousand (10,000) population, you must monitor at the location(s) and dates identified in your monitoring plan under 10 CSR 60-4.090(3)(A)3., updated as required by section (3) of this rule.

2. You must monitor at no fewer than the number of locations identified in the following table.

Stage 2 D/DBP Routine Monitoring

Source water type	Population size category	Monitoring Frequency[1]	Distribution system monitoring location total per monitoring period [2]
Surface water system or ground water under the direct influence of surface water:	< 500	Per year	2
	500–3,300	Per quarter	2
	3,301–9,999	Per quarter	2
	10,000–49,999	Per quarter	4
	50,000–249,999	Per quarter	8
	250,000–999,999	Per quarter	12
	1,000,000–4,999,999	Per quarter	16
	≥ 5,000,000	Per quarter	20
Ground water:	< 500	Per year	2
	500–9,999	Per year	2
	10,000–99,999	Per quarter	4
	100,000–499,999	Per quarter	6
	≥ 500,000	Per quarter	8

[1] All systems must monitor during month of highest DBP concentrations.
[2] Systems on quarterly monitoring must take dual sample sets every 90 days at each monitoring location, except for surface water systems or ground water under the direct influence of surface water serving 500–3,300. Systems on annual monitoring and surface water systems or ground water under the direct influence of surface water serving 500–3,300 are required to take individual TTHM and HAA5 samples (instead of a dual sample set) at the location with the highest TTHM and HAA5 concentrations, respectively. Only one (1) location with a dual sample set per monitoring period is needed if the highest TTHM and HAA5 concentrations occur at the same location (and month, if monitored annually).

3. If you are an undisinfected system that begins using a disinfectant other than ultraviolet (UV) light after the dates in 40 CFR subpart U for complying with the Initial Distribution System Evaluation requirements, you must consult with the department to identify compliance monitoring locations for this rule. You must then develop a monitoring plan under section (3) of this rule that includes those monitoring locations.

(B) Analytical methods. You must use an approved method listed in 10 CSR 60-5.010 for TTHM and HAA5 analyses. Analyses must be conducted by laboratories that have received certification by Environmental Protection Agency (EPA) or the department as specified in 10 CSR 60-5.010.

(3) Stage 2 D/DBP Rule Monitoring Plan.

(A) Developing and implementing a monitoring plan.

1. You must develop and implement a monitoring plan to be kept on file for department and public review. The monitoring plan must contain the following elements and be complete no later than the date you conduct your initial monitoring under this rule:

A. Monitoring locations;

B. Monitoring dates;

C. Compliance calculation procedures; and

D. Monitoring plans for any other systems in the combined distribution system if the department has reduced monitoring requirements.

2. If you were not required to submit an IDSE report under either Standard Monitoring or System Specific Studies in 40 CFR subpart U, and you do not have sufficient Stage 1 D/DBP rule monitoring locations to identify the required number of Stage 2 D/DBP rule compliance monitoring locations indicated in the Monitoring Location Recommendations table in 40 CFR subpart U, you must identify additional locations by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of compliance monitoring locations have been identified. You must also provide the rationale for identifying the locations as having high levels of TTHM or HAA5. If you have more Stage 1 D/DBP rule monitoring locations than required for Stage 2 D/DBP rule compliance monitoring, detailed in the Monitoring Location Recommendations table in 40 CFR part 141 subpart U, you must identify which locations you will use for Stage 2 D/DBP rule compliance monitoring by alternating selection of locations representing high TTHM levels and high HAA5 levels until the required number of Stage 2 D/DBP rule compliance monitoring locations have been identified.

(B) If you are a surface water system or ground water under the direct influence of surface water system serving greater than three thousand three hundred (>3,300) people, you must submit a copy of your monitoring plan to the department prior to the date you conduct your initial monitoring under this rule, unless your IDSE report submitted under 40 CFR part 141 subpart U contains all the information required by section (3) of this rule.

(C) You may revise your monitoring plan to reflect changes in treatment, distribution system operations and layout (including new service areas), or other factors that may affect TTHM or HAA5 formation, or for department-approved reasons, after consultation with the department regarding the need for changes and the appropriateness of changes. If you change monitoring locations, you must replace existing compliance monitoring locations with the lowest LRAA with new locations that reflect the current distribution system locations with expected high TTHM or HAA5 levels. The department may also require modifications in your monitoring plan. If you are a surface water system or ground water under the direct influence of surface water system serving greater than three thousand three hundred (3,300) people, you must submit a copy of your modified monitoring plan to the department prior to the date you are required to comply with the revised monitoring plan.

(4) Reduced Monitoring.

(A) You may reduce monitoring to the level specified in this subsection (4)(A) any time the LRAA is ≤0.040 mg/L for TTHM and ≤0.030 mg/L for HAA5 at all monitoring locations. You may only use data collected under the provisions of this rule or the Stage 1 D/DBP rule to qualify for reduced monitoring. In addition, the source water annual average total organic carbon (TOC) level, before any treatment, must be ≤4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either 10 CSR 60-4.090(3)(B)1.C. or 10 CSR 60-4.090(3)(D).

Stage 2 D/DBP Reduced Monitoring

Source water type	Population size category	Monitoring Frequency[1]	Distribution system monitoring location per monitoring period
Surface water system or ground water under the direct influence of surface water:	<500	.....	Monitoring may not be reduced.
	500–3,300	Per year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	3,301–9,999	Per year	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement; and one at the location and during the quarter with the highest HAA5 single measurement.
	10,000–49,999	Per quarter	2 dual sample sets at the locations with the highest TTHM and highest HAA5 LRAAs.
	50,000–249,999	Per quarter	4 dual sample sets—at the locations with the two highest TTHM and two highest HAA5 LRAAs.
	250,000–999,999	Per quarter	6 dual sample sets—at the locations with the three highest TTHM and three highest HAA5 LRAAs.
	1,000,000–4,999,999	Per quarter	8 dual sample sets—at the locations with the four highest TTHM and four highest HAA5 LRAAs.
	≥5,000,000	Per quarter	10 dual sample sets—at the locations with the five highest TTHM and five highest HAA5 LRAAs.
Ground water:	<500	Every third year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.
	500-9,999	Per year	1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement; one at the location and during the quarter with the highest HAA5 single measurement; and 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter.

	10,000-99,999	Per year	2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement; and one at the location and during the quarter with the highest HAA5 single measurement.
	100,000-499,999	Per quarter	2 dual sample sets; at the locations with the highest TTHM and highest HAA5 LRAAs.
	≥500,000	Per quarter	4 dual sample sets at the locations with the two highest TTHM and two highest HAA5 LRAAs.

[1] Systems on quarterly monitoring must take dual sample sets every 90 days.

(B) You may remain on reduced monitoring as long as the TTHM LRAA ≤0.040 mg/L and the HAA5 LRAA ≤0.030 mg/L at each monitoring location (for systems with quarterly reduced monitoring) or each TTHM sample ≤0.060 mg/L and each HAA5 sample ≤0.045 mg/L (for systems with annual or less frequent monitoring). In addition, the source water annual average TOC level, before any treatment, must be ≤4.0 mg/L at each treatment plant treating surface water or ground water under the direct influence of surface water, based on monitoring conducted under either 10 CSR 60-4.090(3)(B)1.C. or 10 CSR 60-4.090(3)(D).

(C) If the LRAA based on quarterly monitoring at any monitoring location exceeds either 0.040 mg/L for TTHM or 0.030 mg/L for HAA5 or if the annual (or less frequent) sample at any location exceeds either 0.060 mg/L for TTHM or 0.045 mg/L for HAA5, or if the source water annual average TOC level, before any treatment, >4.0 mg/L at any treatment plant treating surface water or ground water under the direct influence of surface water, you must resume routine monitoring under section 10 CSR 60-4.094(2) or begin increased monitoring if section 10 CSR 60-4.094(6) applies.

(D) The department may return your system to routine monitoring at the department's discretion.

(5) Additional Requirements for Consecutive Systems. If you are a consecutive system that does not add a disinfectant but delivers water that has been treated with a primary or residual disinfectant other than ultraviolet light, you must comply with analytical and monitoring requirements for chlorine and chloramines in 10 CSR 60-5.010 and 10 CSR 60-4.055(4)(E) and the compliance requirements in 10 CSR 60-4.090(4)(C)1. beginning April 1, 2009, unless required earlier by the department, and report monitoring results under 10 CSR 60-7.010(6)(C).

(6) Conditions Requiring Increased Monitoring.

(A) If you are required to monitor at a particular location annually or less frequently than annually under section (2) or (4) of this rule, you must increase monitoring to dual sample sets once per quarter (taken every ninety (90) days) at all locations if a TTHM sample is >0.080 mg/L or an HAA5 sample is >0.060 mg/L at any location.

(B) You are in violation of the MCL when the LRAA exceeds the Stage 2 D/DBP rule MCLs in subsection 10 CSR 60-4.090(1)(D), calculated based on four (4) consecutive quarters of monitoring (or the LRAA calculated based on fewer than four (4) quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters). You are in violation of the monitoring requirements for each quarter that a monitoring result would be used in calculating an LRAA if you fail to monitor.

(C) You may return to routine monitoring once you have conducted increased monitoring for at least four (4) consecutive quarters and the LRAA for every monitoring location is ≤0.060 mg/L for TTHM and ≤0.045 mg/L for HAA5.

(7) Operational Evaluation Levels.

(A) You have exceeded the operational evaluation level at any monitoring location where the sum of the two (2) previous quarters of TTHM results plus twice the current quarter's TTHM result, divided by four (4) to determine an average, exceeds 0.080 mg/L, or where the sum of the two (2) previous quarters of HAA5 results plus twice the current quarter's HAA5 result, divided by four (4) to determine an average, exceeds 0.060 mg/L.

(B) If Operational Evaluation Levels are Exceeded.

1. If you exceed the operational evaluation level, you must conduct an operational evaluation and submit a written report of the evaluation to the department no later than ninety (90) days after being notified of the analytical result that causes you to exceed the operational evaluation level. The written report must be made available to the public upon request.

2. Your operational evaluation must include an examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to minimize future exceedences.

A. You may request and the department may allow you to limit the scope of your evaluation if you are able to identify the cause of the operational evaluation level exceedance.

B. Your request to limit the scope of the evaluation does not extend the schedule in paragraph (7)(B)1. of this rule for submitting the written report. The department must approve this limited scope of evaluation in writing, and you must keep that approval with the completed report.

(8) Requirements for Remaining on Reduced TTHM and HAA5 Monitoring Based on Stage 1 D/DBP Rule Results. You may remain on reduced monitoring after the dates identified in subsection (1)(C) of this rule for compliance with this rule only if you qualify for a 40/30 certification under 40 CFR part 141 subpart U or have received a very small system waiver under 40 CFR part 141 subpart U, plus you meet the reduced monitoring criteria in subsection (4)(A) of this rule, and you do not change or add monitoring locations from those used for compliance monitoring under the Stage 1 D/DBP rule. If your monitoring locations under this rule differ from your monitoring locations under the Stage 1 D/DBP rule, you may not remain on reduced monitoring after the dates identified in subsection (1)(C) for compliance with this rule.

(9) Requirements for Remaining on Increased TTHM and HAA5 Monitoring Based on Stage 1 D/DBP Rule Results. If you were on increased monitoring under 10 CSR 60-4.090(3)(B)1., you must remain on increased monitoring until you qualify for a return to routine monitoring under subsection (6)(C) of this rule. You must conduct increased monitoring under section (6) of this rule at the monitoring locations in the monitoring plan developed under section (3) of this rule beginning at the date identified in subsection (1)(C) of this rule for compliance with this rule and remain on increased monitoring until you qualify for a return to routine monitoring under subsection (6)(C) of this rule.

(10) Stage 2 D/DBP Reporting and Record-Keeping Requirements.

(A) Reporting requirements are found in 10 CSR 60-7.010, Reporting Requirements.

(B) Record-keeping requirements are found in 10 CSR 60-9.010, Requirements for Maintaining Public Water System Records.

AUTHORITY: section 640.100, RSMo Supp. 2008. Original rule filed Feb. 27, 2009.

PUBLIC COST: This rule is anticipated to cost the Missouri Department of Natural Resources approximately five hundred twenty-two thousand, eight hundred sixty-eight dollars ($522,868) annually for the duration of the rule and six hundred ninety (690) publicly-owned public water systems that add a disinfectant or provide water containing a disinfectant approximately twenty thousand seven hundred dollars ($20,700) annually for the duration of the rule and $12,890,580 in one (1)-time costs.

PRIVATE COST: This rule is anticipated to cost two hundred eighty-two (282) privately-owned public water systems that add a disinfectant or provide water containing a disinfectant approximately eight thousand four hundred sixty dollars ($8,460) annually for the duration of the rule and $5,265,204 in one (1)-time costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed rule. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC COST

I. Department Title: Department of Natural Resources
Division Title: Public Drinking Water Program
Chapter Title: Contaminant Levels and Monitoring

Rule Number and Name:	10 CSR 60-4.094 **Stage 2 Disinfectants/Disinfection By-Products**
Type of Rulemaking:	Proposed Rule

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	$522,868 annually for the duration of the rule
Publicly-owned public water systems that add a disinfectant or provide water containing a disinfectant.	$12,890,580 in one-time costs and $20,700 annually for the duration of the rule

III. Worksheet

MDNR Costs:
4564 TTHM samples x $37.74 per sample = $172,245.36
4564 HAA5 samples x $27.41 per sample = $125,099.24
4.0 FTEs x $63,881 = $255,524

Public Water System Costs:
Sample Collection = 690 systems x 2 hours x $15 = $20,700 annually for the duration of the rule
Develop monitoring plans = 690 systems x 10 hours x $15 = $103,500 (one-time cost)
Conduct Operational Evaluations = 690 systems x 30% x 16 hours x $15 = $49,680 (one-time cost)
Capital and O&M Costs = $17.94 million x 71% public systems = $12,737,400 (one-time cost)

IV. Assumptions

1. All but three of Missouri's public water systems use the MDNR laboratory for chemical analysis. The lab's unit cost per sample includes equipment costs, supplies, personal service and fringe. Currently the per sample cost is $47.74 for trihalomethanes and $27.41 for haloacetic acids.

2. MDNR Regional Office technical staff will need to provide technical assistance and training for operators on new regulatory requirements and treatment techniques (estimate 4000 hours).

3. MDNR Public Drinking Water Branch staff will have to schedule monitoring, track sample kits, store and review data, track compliance, follow-up on compliance activities for systems with monitoring or MCL violations, and provide general technical assistance to public water systems and regional office staff (estimate 4000 hours).

4. MDNR average FTE cost including salary, fringe benefits, and equipment and expense for FY09 is approximately $63,881 for the Environmental Specialist III classification. The average work hours for an FTE is estimated at 2000 hours.

5. Each system will incur labor costs to collect the required DBP samples. The number of samples and frequency of sampling vary based on system size and the source of water. The total estimated number of TTHM and HAA5 samples per year is 4564. The samples are taken in dual sets. The average number of samples per system is seven. The estimated time it would take to collect samples is two hours at $15 per hour.

6. Missouri has a total of 972 community and nontransient noncommunity systems that add a disinfectant to their water or serve water that contains a disinfectant. Seventy-one percent of this total (690 systems) are publicly owned. Each system will be required to prepare a monitoring plan. It will take an average of 10 hours per system to develop a plan at a labor cost of $15 per hour.

7. The Stage 2 D/DBP rule requires systems that exceed Operational Evaluation Levels to examine their operational practices to identify ways to reduce DBP concentrations in distribution systems. An Operational Evaluation Level is exceeded when the sum of the two previous quarters of TTHM results plus two times the current quarter's TTHM results divided by four exceeds 80 ug/L, or where the sum of the previous two quarters results for HAA5 plus two times the current quarter's results for HAA5 exceeds 60 ug/L. Systems that exceed Operational Evaluation Levels must submit a written report to the state no later than 90 days after being notified of the analytical results. MDNR has been doing special monitoring in the consecutive systems (they have not been required to monitor for DBPs under previous rules) to prepare them for the Stage 2 D/DBP rule as well as the Stage 1 D/DBP rule compliance monitoring. Based on the current data the department estimates that approximately 30% of these systems will trigger Operational Evaluation Levels. The estimated time to perform an evaluation is 16 hours at a labor rate of $15 per hour.

8. By far, the largest expense to Missouri's public water system will be the capital costs of installing new DBP control technologies and operational and maintenance costs. Most of Missouri's water systems are currently meeting the Stage 1 D/DBP standards with compliance based on a running annual average. However, the compliance calculation in the Stage 2 D/DBP rule will be based on a locational running annual average (LRAA). Many of Missouri's systems will need to change their distribution system disinfectant from free chlorine to chloramines to be able to comply with the LRAA. Others will need to modify treatment in order to enhance their coagulation step to remove DBP precursors more effectively. Others may use alternative disinfectants like chlorine dioxide or ozone. Others may use activated carbon to absorb DBPs after they are formed in the treatment plant. Others may use membranes to remove precursors instead of enhancing coagulation. EPA did a cost analysis in the final Stage 2 D/DBP rule, published in the federal register on January 4, 2006, Volume 71, Number 2. EPA predicts that approximately 11% of surface water systems and 3% of groundwater systems will make changes their treatment technologies (Table VI.D-6 on page 455). Table VI.D-7 on page 456 summarizes EPA's national cost estimates for the Stage 2 D/DBP rule. EPA estimates the total initial capital cost will be $840 million and the operation and maintenance costs to be $57 million. Using a per capita calculation using Missouri's population of 5.8 million people and the national population of 304 million, Missouri's water system cost would be approximately 2% of the national cost. Another way to calculate the cost is to compare the number of water systems in Missouri to those nationally. EPA's website has inventory data that shows there are 158,802 public water systems in the United States. Of that total 106,400 are community and nontransient noncommunity systems. There are currently 1723 community and nontransient noncommunity systems in Missouri, which also equates to approximately 2% of the national total. Taking 2% of the national costs would equate to $17.94 million for Missouri.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Contaminant Levels and Monitoring**

Rule Number and Name:	10 CSR 60-4.094 **Stage 2 Disinfectants/Disinfection By-Products**
Type of Rulemaking:	Proposed Rule

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
282 public water systems are privately owned and add a disinfectant or provide water containing a disinfectant	$8,460 annually for the duration of the rule $5,265,204 in one-time costs

III. Worksheet

Sample Collection = 282 systems x 2 hours x $15 = $8,460 (annually for the duration of the rule)

Develop monitoring plans = 282 systems x 10 hours x $15 = $42,300 (one-time costs)

Conduct Operational Evaluations = 282 systems x 30% x 16hours x $15 = $20,304 (one-time costs)

Capital and O&M Costs = $17.94 million x 29% private systems = $5,202,600 (one-time costs)

IV. Assumptions

1. Each system will incur labor costs to collect the required DBP samples. The number of samples and frequency of sampling vary based on system size and the source of water. The total estimated number of TTHM and HAA5 samples per year is 4564. The samples are taken in dual sets. The average number of samples per system is seven. The estimated time it would take to collect samples is two hours at $15 per hour.

2. Missouri has a total of 972 community and nontransient noncommunity systems that add a disinfectant to their water or serve water that contains a disinfectant. Of this total, 29% are privately owned systems (282 systems). Each system will be required to prepare a monitoring plan. It will take an average of 10 hours per system to develop a plan at a labor cost of $15 per hour.

3. The Stage 2 D/DBP rule requires systems that exceed Operational Evaluation Levels to examine their operational practices to identify ways to reduce DBP concentrations in distribution systems. An Operational Evaluation Level is exceeded when the sum of the two previous quarters of TTHM results plus two times the current quarter's TTHM results divided by four exceeds 80 ug/L, or where the sum of the previous two quarters results for HAA5 plus two times the current quarter's results for HAA5 exceeds 60 ug/L. Systems that exceed Operational Evaluation Levels must submit a written report to the state no later than 90 days after being notified of the analytical results. The department

has been doing special monitoring in the consecutive systems (they have not been required to monitor for DBPs under previous rules) to prepare them for the Stage 2 D/DBP rule as well as the Stage 1 D/DBP rule compliance monitoring. Based on the current data the department estimates that approximately 30% of the systems will trigger Operational Evaluation Levels. The estimated time to perform an evaluation is 16 hours at a labor rate of $15 per hour.

4. By far, the largest expense to Missouri's privately-owned public water systems will be the capital costs of installing new DBP control technologies and operation and maintenance costs. Most of Missouri's water systems are currently meeting the Stage 1 D/DBP standards with compliance based on a running annual average. However, the compliance calculation in the Stage 2 D/DBP rule will be based on a locational running annual average (LRAA). Many of Missouri's systems will need to change their distribution system disinfectant from free chlorine to chloramines to be able to comply with the LRAA. Others will need to modify treatment in order to enhance their coagulation step to remove DBP precursors more effectively. Others may use alternative disinfectants like chlorine dioxide or ozone. Others may use activated carbon to absorb DBPs after they are formed in the treatment plant. Others may use membranes to remove precursors instead of enhancing coagulation. EPA did a cost analysis in the final Stage 2 D/DBP rule, published in the federal register on January 4, 2006, Volume 71, Number 2. EPA predicts that approximately 11% of surface water systems and 3% of groundwater systems will make changes their treatment technologies (Table VI.D-6 on page 455). Table VI.D-7 on page 456 summarizes EPA's national cost estimates for the Stage 2 D/DBP rule. EPA estimates the total initial capital cost will be $840 million and the operation and maintenance costs to be $57 million. Using a per capita calculation using Missouri's population of 5.8 million people and the national population of 304 million, Missouri's water system cost would be approximately 2% of the national cost. Another way to calculate the cost is to compare the number of water systems in Missouri to those nationally. EPA's website has inventory data that shows there are 158,802 public water systems in the United States. Of that total 106,400 are community and nontransient noncommunity systems. There are currently 1,723 community and nontransient noncommunity systems in Missouri, which also equates to approximately 2% of the national total. Taking 2% of the national costs would equate to $17.94 million for Missouri.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Safe Drinking Water Commission
Chapter 5—Laboratory and Analytical Requirements

PROPOSED AMENDMENT

10 CSR 60-5.010 Acceptable and Alternate Procedures for Analyses. The commission is amending sections (5) and (8).

PURPOSE: This amendment updates the incorporation by reference of analytical methods and detection limits from the July 1, 2003 ***Code of Federal Regulations*** *to the July 1, 2008* ***Code of Federal Regulations****.*

(5) Disinfection By-Products, Residual Disinfectant Concentrations, and Disinfection By-Product Precursors. Unless substitute methods are approved by the department, analysis shall be conducted in accordance with the disinfection by-product, residual disinfectant concentration, and disinfection by-product precursor analytical methods in 40 CFR 141.74(a)(2) and 40 CFR 141.131 of the July 1, *[2003]* **2008** *Code of Federal Regulations*, which are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(8) Detection Limits.

(A) Detection limits for inorganic contaminants in 40 CFR 141.23(a)(4)(i) of the July 1, *[2003]* **2008** *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(B) Practical Quantitation Levels (PQL) for lead and copper in 40 CFR 141.89(a)(1)(ii)(A) and (B) of the July 1, *[2003]* **2008** *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(C) Detection limit for volatile organic contaminants in 40 CFR 141.24(f)(7) of the July 1, *[2003]* **2008** *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(D) Detection limits for synthetic organic contaminants in 40 CFR 141.24(h)(13)(ii) and 141.24(h)(18) of the July 1, *[2003]* **2008** *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(E) Detection limits for radiological contaminants in 40 CFR 141.25(c) of the July 1, *[2003]* **2008** *Code of Federal Regulations* are incorporated by reference. **This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.**

(F) Detection limits for disinfection by-products in 40 CFR 141.64 of the July 1, 2008 *Code of Federal Regulations* are incorporated by reference. This does not include later amendments or additions. The *Code of Federal Regulations* is published by the U.S. Government Printing Office, 732 North Capitol Street NW, Washington, DC 20401 and is available by calling toll-free (866) 512-1800 or going to http://bookstore.gpo.gov.

AUTHORITY: section[s] 640.100, RSMo Supp. [2003] ***2008*** *and* ***section*** *640.125.1, RSMo 2000. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the* ***Code of State Regulations****. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment will cost state agencies and other political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 7—Reporting

PROPOSED AMENDMENT

10 CSR 60-7.010 Reporting Requirements. The commission is adding a new section (8) and renumbering subsequent sections.

PURPOSE: This amendment adopts without variance the reporting requirements in the Stage 2 Disinfectants/Disinfection By-Products Rule found in 40 CFR 141.629, July 1, 2007.

(8) Stage 2 Disinfectants/Disinfection By-Products (D/DBP) Rule Reporting and Record-Keeping Requirements.

(A) Reporting.

1. You must report the following information for each monitoring location to the department within ten (10) days of the end of any quarter in which monitoring is required:

A. Number of samples taken during the last quarter;

B. Date and results of each sample taken during the last quarter;

C. Arithmetic average of quarterly results for the last four (4) quarters for each monitoring location (LRAA), beginning at the end of the fourth calendar quarter that follows the compliance date and at the end of each subsequent quarter. If the LRAA calculated based on fewer than four (4) quarters of data would cause the maximum contaminant level (MCL) to be exceeded regardless of the monitoring results of subsequent quarters, you must report this information to the department as part of the first report due following the compliance date or anytime thereafter that this determination is made. If you are required to conduct monitoring at a frequency that is less than quarterly, you must make compliance calculations beginning with the first compliance sample taken after the compliance date, unless you are required to conduct increased monitoring under section 10 CSR 60-4.094(6);

D. Whether based on 10 CSR 60-4.090(1)(D) and this rule, the MCL was violated at any monitoring location; and

E. Any operational evaluation levels that were exceeded during the quarter and, if so, the location and date, and the calculated total trihalomethanes (TTHM) and haloacetic acids 5 (HAA5) levels.

2. If you are a surface water system or ground water under the direct influence of surface water system seeking to qualify for or remain on reduced TTHM/HAA5 monitoring, you must report the following source water total organic carbon (TOC) information for each treatment plant that treats surface water or ground water under the direct influence of surface water to the department within ten (10) days of the end of any quarter in which monitoring is required:

A. The number of source water TOC samples taken each month during last quarter;

B. The date and result of each sample taken during last quarter;

C. The quarterly average of monthly samples taken during last quarter or the result of the quarterly sample;

D. The running annual average (RAA) of quarterly averages from the past four (4) quarters; and

E. Whether the RAA exceeded 4.0 mg/L.

3. The department may choose to perform calculations and determine whether the MCL was exceeded or the system is eligible for reduced monitoring in lieu of having the system report that information.

*[(8)]***(9)** Each system, upon discovering that a waterborne disease outbreak potentially attributable to that water system has occurred, must report that occurrence to the department as soon as possible but no later than by the end of the next business day. If the system is notified by the department or the Department of Health **and Senior Services** of an outbreak, the reporting requirement of this section is waived.

*[(9)]***(10)** A supplier of water shall submit proof to the department that public notification has been made within ten (10) days of the date that the notice was to have been made for initial public notice and any repeat notices. The supplier of water shall provide a certification he/she has fully complied with the public notification regulations, and shall provide a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2008**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems approximately one thousand nine hundred twenty dollars ($1,920) annually for the duration of the rule.

PRIVATE COST: This proposed amendment is anticipated to cost one privately-owned public water system approximately six hundred forty dollars ($640) annually for the duration of the rule.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Reporting**

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Publicly-owned public water systems that conduct their own chemical monitoring and reporting	Annualized Aggregate Cost = $1,920

III. Worksheet

8 hours per quarter X 4 quarters X $20 per hours X 3 publicly owned systems = $1,920

IV. Assumptions

1. There are three publicly-owned public water systems with a total of five treatment plants who as a matter of routine conduct their own chemical monitoring and reporting. MDNR assumes they will continue to do so.

2. MDNR assumes the new reporting requirements in this rule will require an operator about eight hours per calendar quarter, for a total hour commitment of 32 hours per year.

3. MDNR assumes that the average wage paid to a water system operator by the three systems affected by this rulemaking is $20.00 per hour.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Reporting**

Rule Number and Name:	10 CSR 60-7.010 Reporting Requirements
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimated cost of compliance with the rule by the affected entities expressed as an annual cost:
1	Privately-owned public water system that conducts its own chemical monitoring and reporting	$640 annually for the duration of the rule

III. Worksheet

1 privately owned system X 8 hours per quarter X $20 per hour X 4 quarters = $640

IV. Assumptions

1. There is one privately-owned public water systems with a total of five treatment plants that as a matter of routine conduct their own chemical monitoring and reporting. MDNR assumes the system will continue to do so.

2. MDNR assumes the new reporting requirements in this rule will require an operator about eight hours per calendar quarter, for a total hour commitment of 32 hours per year.

3. MDNR assumes that the average wage paid to a water system operator by the three systems affected by this rulemaking is $20.00 per hour.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program]*
Commission
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply. The commission is amending sections (7), (8), and (9).

PURPOSE: This amendment adopts new public notice requirements required by the Long-Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) published in 71 FR 653 (January 5, 2006). The requirements are adopted from the federal rules without variance. For clarity, the amendment reorganizes three (3) existing sections dealing with special notices but does not change in any way the requirements in those sections. The only change to the requirements in the rule is the insertion of the federal LT2ESWTR requirements.

(7) *[Special Notice for the Availability of Unregulated Contaminant Monitoring Results.*

(A) Timing of the Special Notice. The owner or operator of a community water system or non-transient non-community water system required to monitor for unregulated contaminants under Environmental Protection Agency's (EPA's) Unregulated Contaminant Monitoring Rule must notify persons served by the system of the availability of the results of such sampling no later than twelve (12) months after the monitoring results are known.

(B) Form and Manner of Special Notice. The form and manner of the public notice shall follow the requirements for a Tier 3 public notice. The notice shall also identify a person and provide the telephone number to contact for information on the monitoring results.] **Reserved.**

(8) *[Special Notice for the Exceedance of the Secondary Maximum Contaminant Level (SMCL) for Fluoride.*

(A) Timing of the Special Notice. Community water systems that exceed the fluoride SMCL of 2 mg/L determined by the last single sample taken in accordance with 10 CSR 60-4.030, but do not exceed the MCL of 4 mg/L for fluoride must provide the public notice in subsection (8)(C) of this rule to persons served. Public notice must be provided as soon as practical but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be provided to all new billing units and customers at the time service begins and to the state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days (even if the exceedance is eliminated). On a case-by-case basis, the department may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

(B) Form and Manner of the Special Notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in subsection (4)(C) and paragraphs (4)(D)1. and (4)(D)3.

(C) Mandatory Language. The notice must contain the following language, including language necessary to fill in the blanks:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system {name} has a fluoride concentration of {insert value} mg/L.

"Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

"Drinking water containing more than 4 mg/L of fluoride (the maximum contaminant level for fluoride) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/L of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/L because of this cosmetic dental problem.

"For more information, please call {name of community water system} at {phone number}. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."] **Reserved.**

(9) Special **Public** Notices**.** *[for Nitrate Exceedances Above the MCL by Non-Community Water Systems.]*

(A) Special Notice for the Availability of Unregulated Contaminant Monitoring Results.

1. Timing of the special notice. The owner or operator of a community water system or nontransient noncommunity water system required to monitor for unregulated contaminants under Environmental Protection Agency's (EPA's) Unregulated Contaminant Monitoring Rule must notify persons served by the system of the availability of the results of such sampling no later than twelve (12) months after the monitoring results are known.

2. Form and manner of special notice. The form and manner of the public notice shall follow the requirements for a Tier 3 public notice. The notice shall also identify a person and provide the telephone number to contact for information on the monitoring results.

(B) Special Notice for the Exceedance of the Secondary Maximum Contaminant Level (SMCL) for Fluoride.

1. Timing of the special notice. Community water systems that exceed the fluoride SMCL of 2 mg/L determined by the last single sample taken in accordance with 10 CSR 60-4.030, but do not exceed the MCL of 4 mg/L for fluoride, must provide the public notice in paragraph (9)(B)3. of this rule to persons served. Public notice must be provided as soon as practical, but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be provided to all new billing units and customers at the time service begins and to the state public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days (even if the exceedance is eliminated). On a case-by-case basis, the department may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

2. Form and manner of the special notice. The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in subsection (4)(C) and paragraphs (4)(D)1. and (4)(D)3. of this rule

3. Mandatory language. The notice must contain the following language, including language necessary to fill in the blanks:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine (9) years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than two (2) milligrams per liter (mg/L) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system {name} has a fluoride concentration of {insert value} mg/L.

"Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine (9) should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

"Drinking water containing more than four (4) mg/L of fluoride (the maximum contaminant level for fluoride) can increase your risk of developing bone disease. Your drinking water does not contain more than four (4) mg/L of fluoride, but we are required to notify you when we discover that the fluoride levels in your drinking water exceed two (2) mg/L because of this cosmetic dental problem.

"For more information, please call {name of community water system} at {phone number}. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

(C) Special Notice for Nitrate Exceedances Above the MCL by Noncommunity Water Systems.

*[(A)]***1.** The owner or operator of a noncommunity water system granted permission by the department to exceed the nitrate MCL shall provide notice to persons served according to the requirements for a Tier 1 notice.

*[(B)]***2.** The owner or operator shall provide continuous posting of the fact that nitrate levels exceed **ten (**10**)** mg/L and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under section (2) and the content requirements under section (5) of this rule.

(D) Special notice for repeated failure to conduct monitoring of the source water for *Cryptosporidium* and for failure to determine bin classification or mean *Cryptosporidium* level.

1. The owner or operator of a community or noncommunity water system that is required to monitor source water under 10 CSR 60-4.052(2) must notify persons served by the water system that monitoring has not been completed as specified no later than thirty (30) days after the system has failed to collect any three (3) months of monitoring as specified in 10 CSR 60-4.052(2)(C). The notice must be repeated as specified in 10 CSR 60-8.010(3).

2. Special notice for failure to determine bin classification or mean *Cryptosporidium* level. The owner or operator of a community or noncommunity water system that is required to determine a bin classification under 10 CSR 60-4.052(10) must notify persons served by the water system that the determination has not been made as required no later than thirty (30) days after the system has failed to report the determination as specified in 10 CSR 60-4.052(10)(E). The notice must be repeated as specified in 10 CSR 60-8.010(3). The notice is not required if the system is complying with a department-approved schedule to address the violation.

3. Form and manner of the special notice. The form and manner of the public notice must follow the requirements for a Tier 2 public notice prescribed in subsection (3)(C) of this rule. The public notice must be presented as required in section (3) of this rule.

4. Mandatory language that must be contained in the special notice. The notice must contain the following language, including the language necessary to fill in the blanks.

A. The special notice for repeated failure to conduct monitoring must contain the following language:

"We are required to monitor the source of your drinking water for *Cryptosporidium*. Results of the monitoring are to be used to determine whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We are required to complete this monitoring and make this determination by {required bin determination date}. We did not monitor or test or did not complete all monitoring or testing on schedule and, therefore, we may not be able to determine by the required date what treatment modifications, if any, must be made to ensure adequate *Cryptosporidium* removal. Missing this deadline may, in turn, jeopardize our ability to have the required treatment modifications, if any, completed by the deadline required, {date}. For more information, please call {name of water system contact} of {name of water system} at {phone number}."

B. The special notice for failure to determine bin classification or mean *Cryptosporidium* level must contain the following language:

"We are required to monitor the source of your drinking water for *Cryptosporidium* in order to determine by {date} whether water treatment at the {treatment plant name} is sufficient to adequately remove *Cryptosporidium* from your drinking water. We have not made this determination by the required date. Our failure to do this may jeopardize our ability to have the required treatment modifications, if any, completed by the required deadline of {date}. For more information, please call {name of water system contact} of {name of water system} at {phone number}."

C. Each special notice must also include a description of what the system is doing to correct the violation and when the system expects to return to compliance or resolve the situation.

*AUTHORITY: section 640.100, RSMo Supp. [2002] **2008**. Original rule filed May 4, 1979, effective Sept. 14, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment is anticipated to cost publicly-owned public water systems using surface water or ground water under the influence of surface water approximately twenty-four thousand dollars ($24,000) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost one (1) privately-owned public water system using surface water or ground water under the influence of surface water approximately six thousand dollars ($6,000) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. Summary of Fiscal Impact

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
4 publicly-owned public water systems using surface water or groundwater under the direct influence of surface water	$24,000

III. Worksheet

4 systems x 3000 service connections x $1 per public notice x 2 monitoring periods = $24,000

IV. Assumptions

1. Eighty-nine public water systems use surface water as their source of supply and will be required to monitor for *Cryptosporidium* and *E. coli* due to the changes to the surface water treatment rules. MDNR assumes based on prior experience with monitoring requirements that a maximum of five systems may violate the monitoring requirements for three months. This violation requires a special Tier 2 public notice under subsection (9)(B) of this rule.

2. Of the 89 systems, 83% are publicly owned (and are political subdivisions) and 17% are privately owned. Therefore, MDNR calculates that four publicly-owned surface water systems will to have to do the special Tier 2 public notice.

3. Tier 2 public notice requires direct delivery of the public notice to each service connection. MDNR assumes each delivered public notice will cost a system an average of $1.00 to deliver, an average of 3000 connections per system, and two rounds of notices required.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Privately-owned public water system using surface water as its source of supply	$6,000

III. Worksheet

1 privately-owned system x 3000 connections x $1 per public notice x 2 monitoring periods = $6,000.

IV. Assumptions

1. Eighty-nine public water systems use surface water as their source of supply and will be required to monitor for *Cryptosporidium* and *E. coli* due to the changes to the surface water treatment rules. MDNR assumes based on prior experience with monitoring requirements that a maximum of five systems may violate the monitoring requirements for three months. This violation requires a special Tier 2 public notice under subsection (9)(B) of this rule.

2. Of the 89 systems, 83% are publicly owned (and are political subdivisions) and 17% are privately owned. Therefore, MDNR calculates that one privately-owned surface water system will to have to do the special Tier 2 public notice.

3. Tier 2 public notice requires direct delivery of the public notice to each service connection. MDNR assumes each delivered public notice will cost a system an average of $1.00 to deliver, an average of 3000 connections per system, and two rounds of notices required

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program]*
Commission
Chapter 8—Public Notification

PROPOSED AMENDMENT

10 CSR 60-8.030 Consumer Confidence Reports. The commission is amending paragraph (1)(B)2. and parts (2)(D)3.D.II. and III.

PURPOSE: This amendment adopts without variance consumer confidence report requirements included in the Stage 2 Disinfectants/Disinfection By-Product Rule as published in the July 1, 2007 ***Code of Federal Regulations*** *and corrects a cross reference.*

(1) Applicability, Definitions, and General Requirements.

(B) The definitions in 10 CSR 60-2.015 apply to this rule with the following exceptions:

1. For the purpose of this rule, customers are defined as billing units or service connections to which water is delivered by a community water system; and

2. For the purpose of this rule, detected means*[—]* at or above the levels prescribed by 10 CSR 60-5.010*[(6)]***(8)** for organic, inorganic, and radioactive contaminants **and disinfection by-products**.

(2) Content of the Reports.

(D) Information on Detected Contaminants.

1. Subsection (2)(D) specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to—

A. Contaminants subject to an MCL, action level, maximum residual disinfectant level, or treatment technique (regulated contaminants);

B. Contaminants for which monitoring is required by 10 CSR 60-4.110 (unregulated contaminants); and

C. Disinfection by-products or microbial contaminants for which monitoring is required by 40 CFR 141.142 and 141.143, except as provided under paragraph (2)(E)1. of this rule, and which are detected in the finished water.

2. The data relating to these contaminants must be displayed in one (1) table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report must be displayed separately.

3. The data must be derived from data collected to comply with the Environmental Protection Agency and department monitoring and analytical requirements during the previous calendar year except that—

A. Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) must include the date and results of the most recent sampling and the report must include a brief statement indicating that the data presented in the report are from the most recent testing done in accordance with the regulations. The system may use the following language or similar language for their statement: "The state has reduced monitoring requirements for certain contaminants to less often than once per year because the concentrations of these contaminants are not expected to vary significantly from year-to-year. Some of our data (e.g., for organic contaminants), though representative, is more than one **(1)** year old." No data older than five (5) years need be included.

B. Results of monitoring in compliance with 40 CFR 141.142 and 141.143 need only be included for five (5) years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

4. For detected regulated contaminants (listed in Appendix A**,** *[to this rule]* **included herein**), the table(s) must contain—

A. The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A**,** *[to this rule]* **included herein**);

B. The MCLG for that contaminant expressed in the same units as the MCL;

C. If there is no MCL for a detected contaminant, the table must indicate that there is a treatment technique, or specify the action level applicable to that contaminant, and the report must include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph (2)(C)3. of this rule;

D. For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with 10 CSR 60-4.030; 10 CSR 60-4.040; 10 CSR 60-4.060; 10 CSR 60-4.090; 10 CSR 60-4.100 and the range of detected levels, as follows (when rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix A**,** *[to this rule]* **included herein**):

(I) When compliance with the MCL is determined annually or less frequently—*[T]***t**he highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL;

(II) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a *[sampling point]* **monitoring location**—the highest average of any of the *[sampling points]* **monitoring locations** and the range of all *[sampling points]* **monitoring locations** expressed in the same units as the MCL**. For the MCLs for total trihalomethanes (TTHM) and haloacetic acids 5 (HAA5) in 10 CSR 60-4.090(1)(D), systems must include the highest locational running annual average for TTHM and HAA5 and the range of individual sample results for all monitoring locations expressed in the same units as the MCL. If more than one (1) location exceeds the TTHM or HAA5 MCL, the system must include the locational running annual averages for all locations that exceed the MCL**; and

(III) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all *[sampling points]* **monitoring locations**—the average and range of detection expressed in the same units as the MCL**. The system is required to include individual sample results for the Initial Distribution System Evaluation (IDSE) conducted under 10 CSR 60-4.092 when determining the range of TTHM and HAA5 results to be reported in the annual consumer confidence report for the calendar year that the IDSE samples were taken**;

E. For turbidity, the highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in 10 CSR 60-4.050.

(I) The report should include an explanation of the reasons for measuring turbidity, such as: "Turbidity is a measure of the cloudiness of water. We monitor turbidity because it is a good indicator of the effectiveness of our filtration system."

(II) If an explanation of the reasons for measuring turbidity is included, it does not have to be included in the table but may be added as a footnote or narrative associated with the table;

F. For lead and copper, the ninetieth percentile value of the most recent round of sampling, the number of sampling sites exceeding the action level in that round, and the most recent source water results;

G. For total coliform.

(I) The highest monthly number of positive compliance samples for systems collecting fewer than forty (40) samples per month; or

(II) The highest monthly percentage of positive compliance samples for systems collecting at least forty (40) samples per month;

H. For fecal coliform or *E. coli*, the total number of positive compliance samples; and

I. The likely source(s) of detected regulated contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If

the operator lacks specific information on the likely source, the report must include one (1) or more of the typical sources for that contaminant which are most applicable to the system. The typical sources for a given contaminant are listed in Appendix B**,** *[to this rule]* **included herein**.

5. If a community water system distributes water to its customers from multiple hydraulically independent distribution systems that are fed by different raw water sources, the table should contain a separate column for each service area and the report should identify each separate distribution system. Alternatively, systems could produce separate reports tailored to include data for each service area.

6. The table(s) must clearly identify any data indicating violations of MCLs or treatment techniques and the report must contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system must use the relevant language of Appendix C**,** *[to this rule]* **included herein**.

7. For detected unregulated contaminants for which monitoring is required (except *Cryptosporidium*), the table(s) must contain the average and range at which the contaminant was detected. When detects of unregulated contaminants are reported, the report may include a brief explanation of the reasons for monitoring for unregulated contaminants using language such as: "Unregulated contaminants are those for which EPA has not established drinking water standards. The purpose of unregulated contaminant monitoring is to assist EPA in determining the occurrence of unregulated contaminants in drinking water and whether future regulation is warranted. Information on all the contaminants that were monitored for, whether regulated or unregulated, can be obtained from this water system or the Department of Natural Resources."

*AUTHORITY: section[s] 640.100, RSMo Supp. [2002] **2008** and **section** 640.125.1**, RSMo 2000**. Original rule filed July 1, 1999, effective March 30, 2000. Amended: Filed [Filed] March 17, 2003, effective Nov. 30, 2003. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment is anticipated to cost the Missouri Department of Natural Resources one thousand nine hundred fifty-five dollars ($1,955) in the aggregate and twelve (12) publicly-owned community public water systems approximately one thousand eighty dollars ($1,080) in annual costs for the duration of the rule.

PRIVATE COST: This proposed amendment is anticipated to cost eight (8) privately-owned public water systems approximately seven hundred twenty dollars ($720) in annual costs for the duration of the rule.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or in opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the **Missouri Register** page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

FISCAL NOTE
PUBLIC COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.030 Consumer Confidence Reports
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Natural Resources	$1,955 (one-time cost)
Publicly-owned community water systems	$1,080 (annual costs for the duration of the rule)

III. Worksheet

MDNR contract costs: (20 hours x $74 per hour) + (5 hours x $95 per hour) = $1,955

Community water system costs: 12 publicly-owned systems x 6 hours x $15 per hour = $1,080

IV. Assumptions

1. To upgrade the MDNR Consumer Confidence Report builder, the assumption is made that it will require 20 hours of computer programming work from the contractor at $74 per hour. Also, the assumption is made that it will require 5 hours of work by the contractor's SDWIS expert at $95 per hour.

2. MDNR assumes that 12 publicly-owned community water systems will spend 6 extra hours per year adding the IDSE and RAA data to their existing annual Consumer Confidence Reports.

FISCAL NOTE
PRIVATE COST

I. Department Title: **Department of Natural Resources**
Division Title: **Public Drinking Water Program**
Chapter Title: **Public Notification**

Rule Number and Name:	10 CSR 60-8.030 Consumer Confidence Reports
Type of Rulemaking:	Proposed Amendment

II. Summary of Fiscal Impact

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate:
8	Privately-owned community public water systems	$720 in annual costs for the duration of the rule

III. Worksheet

$15 per hour x 6 hours annually x 8 systems = $720

IV. Assumptions

The assumption is 8 privately-owned community water systems will spend 6 extra hours adding the IDSE and RAA data to their existing annual CCRs at a cost of approximately $15 per hour. The hourly cost is based on an average wage for water system operators.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—*[Public] Safe* Drinking Water *[Program] Commission*
Chapter 9—Record Maintenance

PROPOSED AMENDMENT

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records. The commission is amending subsection (1)(A) and adding subsection (1)(G) and section (3).

PURPOSE: This amendment adopts without variance new federal wording included in the Stage 2 Disinfectants/Disinfection By-Product Rule and Long-Term 2 Enhanced Surface Water Treatment Rule as published in the July 1, 2007 ***Code of Federal Regulations****.*

(1) All suppliers of water to a public water system must retain records on their premises or at a convenient location near their premises as follows:

(A) Records of *[bacteriological]* **microbiological analyses, turbidity analyses,** and operational analyses must be retained for a minimum of five (5) years. Records of chemical analyses must be retained for a minimum of ten (10) years. Actual laboratory reports used in the previous analyses must be retained for the appropriate period given previously. In lieu of an original report or copy, laboratory data may be transferred to tabular summaries provided the following information is included: the date, address, place**,** and time of sampling; identification of the sample (that is, a routine distribution system sample, check sample, raw or other special purpose water sample); date of analysis; laboratory and person responsible for performing analysis; analytical method used and the results of the analysis;

(E) Original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, state determinations**,** and any other information required by 10 CSR 60-5.010, 10 CSR 60-5.020, 10 CSR 60-7.020, and 10 CSR 60-15.010–10 CSR 60-15.090 must be retained for no fewer than twelve (12) years; *[and]*

(F) Copies of public notices issued pursuant to 10 CSR 60-8.010 and certifications issued to the department pursuant to 10 CSR 60-7.010(9) shall be kept for at least three (3) years after issuance*[.]***; and**

(G) Copies of monitoring plans shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under subsection (1)(A) of this rule, except as specified elsewhere in 10 CSR 60.

(3) Additional Record-Keeping Requirements under the Long-Term 2 Enhanced Surface Water Treatment Rule.

(A) Systems must keep results from the initial round of source water monitoring under 10 CSR 60-4.052(2)(A) and the second round of source water monitoring under 10 CSR 60-4.052(2)(B) until three (3) years after bin classification under 10 CSR 60-4.052(10).

(B) Systems must keep any notification to the department that they will not conduct source water monitoring due to meeting the criteria of 10 CSR 60-4.052(2)(D) for three (3) years.

(C) Systems must keep the results of treatment monitoring associated with microbial toolbox options under 10 CSR 60-4.052(14)–(18) for three (3) years.

AUTHORITY: section 640.100, RSMo Supp. [2002] ***2008****. Original rule filed May 4, 1979, effective Sept. 14, 1979. Amended: Filed Aug. 4, 1992, effective May 6, 1993. Amended: Filed March 17, 2003, effective Nov. 30, 2003. Amended: Filed Feb. 27, 2009.*

PUBLIC COST: This proposed amendment is anticipated to cost state agencies and political subdivisions less than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is anticipated to cost private entities less than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this rulemaking at 10 a.m. on May 19, 2009, at the Truman State Office Building, 301 West High Street, Jefferson City, Missouri. Anyone may submit comments in support of or opposition to this proposed amendment. In preparing your comments, please include the regulatory citation and the ***Missouri Register*** *page number. Please explain why you agree or disagree with the proposed change, and include alternative options or language. The commission is also accepting written comments on this rulemaking. Written comments must be postmarked or received by May 19, 2009. Written comments must be mailed or faxed to: Ms. Linda McCarty, MDNR Public Drinking Water Branch, PO Box 176, Jefferson City, MO 65102-0176. The fax number is (573) 751-3110.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation, Reimbursement And Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.180 Medical Pre-Certification Process. The division is amending the purpose and sections (1)–(3) and (7).

PURPOSE: This amendment changes the name of Missouri's medical assistance program to MO HealthNet, revises the name of the administering agency to MO HealthNet Division, changes program recipients to participants, and updates the division's website address and incorporated by reference material.

PURPOSE: This rule establishes the medical pre-certification process of the [Missouri Medical Assistance] ***MO HealthNet*** *Program for certain covered diagnostic and ancillary procedures and services prior to provision of the procedure or service as a condition of reimbursement. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins, or clinical edits criteria which are incorporated by reference and made a part of this rule. The medical pre-certification process serves as a utilization management tool, allowing payment for services that are medically necessary, appropriate, and cost-effective without compromising the quality of care provided to [Missouri medical assistance recipients]* ***MO HealthNet participants****.*

(1) Providers are required to seek pre-certification for certain specified services listed in the provider manuals, provider bulletins, or clinical edits criteria before delivery of the services. This rule shall apply to diagnostic and ancillary procedures and services listed in the provider manuals, provider bulletins, or clinical edits*[,]* criteria when ordered by a healthcare provider unless provided in an inpatient hospital or emergency room setting. This pre-certification process shall not include primary services performed directly by the provider. In addition to services and procedures that are available through the traditional medical assistance program, expanded services are available to children twenty (20) years of age and under through the Healthy Children and Youth (HCY) Program. Some expanded services also require pre-certification. Certain services require pre-certification only when provided in a specific place or when they exceed certain limits. These limitations are explained in detail in subsections 13(3) and 14(4) of the applicable provider manuals, provider bulletins, or clinical edits criteria, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, *[Division of Medical Services]* **MO HealthNet Division**, 615 Howerton Court, Jefferson City, MO 65109, at its website at

[www.dss.mo.gov/dms, August 1, 2006] **www.dss.mo.gov/mhd, April 1, 2009**. The rule does not incorporate any subsequent amendments or additions. This rule shall only apply to those diagnostic and ancillary procedures or services that are listed in the provider manuals, provider bulletins**,** *[on]* **or** clinical edits criteria which are incorporated by reference and made a part of this rule.

(2) All requests for pre-certification must be initiated by an enrolled medical assistance provider and approved by the *[Division of Medical Services]* **MO HealthNet Division**. A covered service for which pre-certification is requested must meet medical criteria established by the *[Division of Medical Services']* **MO HealthNet Division's** medical consultants or medical advisory groups in order to be approved.

(3) An approved pre-certification request does not guarantee payment. The provider must be enrolled and verify *[recipient]* **participant** eligibility on the date of service.

(7) If a pre-certification request is denied, the medical assistance *[recipient]* **participant** will receive a letter which outlines the reason for the denial and the procedure for appeal. The *[medical assistance recipient]* **MO HealthNet participant** must contact the *[Recipient]* **Participant** Services Unit within ninety (90) days of the date of the denial letter if they wish to request a hearing. After ninety (90) days a request to appeal the pre-certification decision is denied.

*AUTHORITY: sections 208.153 and 208.201, RSMo [2000] **Supp. 2008**. Original rule filed July 3, 2006, effective Feb. 28, 2007. Amended: Filed March 2, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

PROPOSED RULE

15 CSR 60-15.010 Definitions

PURPOSE: This rule defines terms used in section 285.525, RSMo Supp. 2008.

(1) The terms used in Title 15, Division 60, Chapter 15 of the *Code of State Regulations* bear the same meaning in the rules pertaining to unauthorized alien workers as they do in section 285.525, RSMo Supp. 2008, as amended from time-to-time.

(2) The following definitions further clarify terms used in section 285.525, RSMo Supp. 2008, and Title 15, Division 60, Chapter 15 of the *Code of State Regulations*:

(A) "Business Entity"—in addition to the definition as used in section 285.525(1), RSMo Supp. 2008, business entities include limited liability corporations (LLCs);

(B) "Identity Information"—includes a copy of a passport or two (2) of the following: birth certificate, driver license, or Social Security card; OR an E-verify case verification number and/or dated verification report received from the federal government; and

(C) "State-administered or subsidized tax credit, tax abatement, or loan"—includes credits provided under section 99.845.4–.12, RSMo 2000.

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. Original rule filed March 2, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

PROPOSED RULE

15 CSR 60-15.020 Form of Affidavit

PURPOSE: This rule prescribes the form of affidavit to be submitted by business entities or employers who fall under the provisions of section 285.530, RSMo Supp. 2008.

(1) As a condition for the award of any contract or grant in excess of five thousand dollars ($5,000) by the state or by any political subdivision of the state to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall submit an affidavit containing the following:

(A) A statement that the business entity has enrolled in, and is currently participating in, E-verify, a federal work authorization program, or any other equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986 (IRCA);

(B) A statement that the business entity does not knowingly employ any person who is an unauthorized alien in conjunction with the contracted services; and

(C) A notarized signature of the registered agent, legal representative of the business entity, or a corporate officer, including, but not limited to, the human resources director of the business entity or their equivalent.

(2) Within ninety (90) days of the effective date of this regulation, any business entity having a contract or grant in excess of five thousand dollars ($5,000) from the state, a political subdivision, municipality, or county shall submit an affidavit to the state or appropriate

political subdivision, municipality, or county in the form set forth above in section (1).

(3) Within ninety (90) days of the effective date of this regulation, any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state shall submit an affidavit to the state in the form set forth above in section (1).

(4) Employers shall retain a copy of the dated verification report received from the federal government.

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. Original rule filed March 2, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

PROPOSED RULE

15 CSR 60-15.030 Complaints

PURPOSE: This rule prescribes procedures for filing complaints that a business entity or employer has knowingly employed, hired for employment, or continued to employ an unauthorized alien to perform work in Missouri in violation of section 285.530, RSMo Supp. 2008.

(1) State officials, business entities, or any state resident may file a complaint with the Missouri Attorney General's Office that a business entity or employer has knowingly employed, hired for employment, or continued to employ an unauthorized alien to perform work in Missouri in violation of section 285.530, RSMo Supp. 2008.

(2) Persons wishing to file a complaint may request a complaint form from the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102 or may download and print off the form from the Missouri Attorney General's website at www.ago.mo.gov.

(3) A complaint form must be completed in its entirety, and the person submitting a complaint must—

(A) Provide information about the business entity or employer alleged to be violating the statute;

(B) Provide their contact information;

(C) Verify that they are either: a Missouri resident, a state official or a registered agent, corporate officer, or legal representative of the business entity;

(D) A detailed description of the violation;

(E) A declaration under the penalty of perjury that the complaint is true and correct to the best of their knowledge and belief; and

(F) A notarized signature.

(4) Complaints cannot allege a violation solely or primarily on the basis of national origin, ethnicity, or race.

(5) Completed complaint forms should be returned to the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102.

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. Original rule filed March 2, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

PROPOSED RULE

15 CSR 60-15.040 Investigation of Complaints

PURPOSE: This rule describes the process related to investigating valid complaints authorized by section 285.535, RSMo Supp. 2008.

(1) Upon the receipt of a valid complaint, the Missouri Attorney General's Office shall, within fifteen (15) days, send a request by certified mail to the business entity requesting identity information regarding person(s) alleged to be unauthorized alien(s).

(2) Identity information to be provided includes copies of the following:

(A) A passport; or

(B) Two (2) of the following: birth certificate, driver license, and Social Security card; or

(C) E-verify case verification number and/or dated verification report received from the federal government.

(3) The business entity shall provide the identity information within fifteen (15) days of the receipt of the request. If the business entity fails to do so, the attorney general shall direct the applicable state agency, political subdivision, and municipal or county governing body to suspend any licenses or permits of the business entity unless the business entity submits as evidence, through its legal representative as noted in section (4) below, one (1) of the following within the fifteen (15)-day period:

(A) The business entity has terminated the individual, or is attempting to terminate the individual and is being challenged in court; or

(B) The business entity, after acquiring additional information from the employee, has requested a secondary or additional verification by the federal government of the employee's authorization.

(4) If a business entity fails to comply with the provisions of section 285.535.5(a), RSMo, he may ask the court to direct any applicable state agency, political subdivision, and municipal or county governing

body to suspend any business permits or license of the business entity until the entity complies with section (6).

(5) If a business entity fails to comply with the provisions of section 285.535.5(b), RSMo, the attorney general may ask the court to direct any applicable state agency, political subdivision, and municipal or county governing body to suspend for fourteen (14) days any business permits or license of the business entity. The licenses or permits may be reinstated for entities who comply with section (6) at the end of the fourteen (14)-day period.

(6) Upon the first violation of subsection 1 of section 285.530, RSMo, by any business entity awarded a contract or grant by the state, a political subdivision, municipality, or county or any business entity receiving a state-administered tax credit, tax abatement, or loan or loan guarantee from the state shall be deemed in breach of contract and the state, political subdivision, municipality, or county may terminate the contract. Upon such termination the state, political subdivision, municipality, or county may withhold up to twenty-five percent (25%) of the total amount due to the business entity.

(7) Upon receipt of notice of such termination of a contract or grant or a violation of subsection 1 of section 285.530, RSMo, by the recipient of a state-administered tax credit, tax abatement, or loan or loan guarantee from the state, the attorney general shall suspend or debar the business entity from doing business with any state, political subdivision, municipality, or county for a period of three (3) years.

(8) The attorney general shall maintain on his website a list of all business entities suspended or debarred under this section.

(9) A person authorized to act of behalf of an employer shall submit a sworn affidavit to the Missouri Attorney General, PO Box 899, Jefferson City, MO 65102, stating the violation has ended and provide—

(A) Evidence of the specific measures taken to end the violation, which shall, at a minimum, include a notarized affidavit describing the events surrounding the termination of employment from the human resources director or other officer of the business entity whose duties include terminating the employment of employees, etc.;

(B) The name, address, and all identifying information available to the business entity concerning the unauthorized alien(s) related to the complaint; and

(C) Evidence that the business entity has enrolled in, and is currently participating in, E-verify, a federal work authorization program, or any other equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986 (IRCA).

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. Original rule filed March 2, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 15—Unauthorized Alien Workers

PROPOSED RULE

15 CSR 60-15.050 Notification by Federal Government that Individual is Not Authorized to Work

PURPOSE: This rule describes the process to be utilized when the federal government notifies the Missouri Attorney General's Office that an individual is not authorized to work and the duties required of the employer by section 285.535, RSMo Supp. 2008.

(1) Upon notification from the federal government to the Missouri Attorney General's Office that an individual is not authorized to work, and the employer participates in a federal work authorization program, the Missouri Attorney General's Office shall notify the employer to comply with section 285.535.6, RSMo Supp. 2008.

(2) The employer shall, through its legal representative as noted in section (3) below, submit evidence of one (1) of the following within thirty (30) days:

(A) The business entity has terminated the employment of the individual or is attempting to terminate the employment of the individual and is being challenged in court; or

(B) The business entity, after acquiring additional information from the employee, has requested a secondary or additional verification by the federal government of the employee's authorization.

(3) The legal representative of the business entity shall submit a sworn affidavit to the Missouri Attorney General, PO Box 899, Jefferson City, MO 65102, stating the violation has ended and provide—

(A) Evidence of the specific measures taken to end the violation, which shall, at a minimum, include a notarized affidavit describing the events surrounding the termination of employment from the human resources director or other officer of the business entity whose duties include terminating the employment of employees, etc.;

(B) The name, address, and all identifying information available to the business entity concerning the unauthorized alien(s) related to the complaint; and

(C) Evidence that the business entity has enrolled in, and is currently participating in, E-verify, a federal work authorization program, or any other equivalent electronic verification of work authorization program operated by the United States Department of Homeland Security under the Immigration Reform and Control Act of 1986 (IRCA).

AUTHORITY: section 285.540, RSMo Supp. 2008. Emergency rule filed March 2, 2009, effective March 12, 2009, expires Sept. 7, 2009. Original rule filed March 2, 2009.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Attorney General's Office, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Administrative and Financial Services
Chapter 261—School Transportation

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 161.092, RSMo Supp. 2008 and section 304.060, RSMo 2000, the board amends a rule as follows:

5 CSR 30-261.025 Minimum Requirements for School Bus Chassis and Body **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 3, 2008 (33 MoReg 1946). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2326–2330). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 30—State Tax Commission
Chapter 3—Local Assessment of Property and Appeals From Local Boards of Equalization

ORDER OF RULEMAKING

By the authority vested in the State Tax Commission under section 138.430, RSMo Supp. 2008, the commission amends a rule as follows:

12 CSR 30-3.010 Appeals From the Local Board of Equalization **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2008 (33 MoReg 2235). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance

ORDER OF RULEMAKING

By the authority vested in the Family Support Division under section 207.020, RSMo 2000 and section 208.040.5, RSMo Supp. 2008, the division adopts a rule as follows:

13 CSR 40-2.390 Transitional Employment Benefit **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 3, 2008 (33 MoReg 2021–2022). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 3—General Sanitation

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under sections 701.046 and 701.051, RSMo 2000, the department rescinds a rule as follows:

19 CSR 20-3.070 Fees Charged by Department of Health for Inspection of Existing On-Site Sewage Disposal System Requested by a Lending Institution **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2331–2332). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 3—General Sanitation

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 701.033, RSMo Supp. 2008, and sections 701.046 and 701.051, RSMo 2000, the department adopts a rule as follows:

19 CSR 20-3.070 Requirements for On-Site Wastewater Treatment System Inspectors/Evaluators **is adopted**.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2332–2336). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 3—General Sanitation

ORDER OF RULEMAKING

By the authority vested in the Department of Health and Senior Services under section 701.033, RSMo Supp. 2008 and section 701.040, RSMo 2000, the department amends a rule as follows:

19 CSR 20-3.080 Requirements for Percolation Testers, On-Site Soils Evaluators and Registered On-Site Wastewater Treatment System Installers **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2337–2342). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement Practices

ORDER OF RULEMAKING

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 376.1007, RSMo 2000 and sections 374.045, 376.383, and 376.384, RSMo Supp. 2008, the director adopts a rule as follows.

20 CSR 100-1.060 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1877–1879). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 18, 2008, and the public comment period ended November 25, 2008. At the public hearing, department staff explained the new rule and the director received comments from Coventry Health Care of Kansas, Inc., United Health Group, CVS Caremark, Pharmaceutical Care Management Association (PCMA), America's Health Insurance Plans (AHIP), Signature Medical Group, Medco Health Solutions, Inc. (Medco), Express Scripts, and Missouri State Medical Association (MSMA).

COMMENT #1: CVS Caremark, the Pharmaceutical Care Management Association (PCMA), United Health Group, America's Health Insurance Plans (AHIP), Coventry Health Care of Kansas, Inc. (Coventry), Medco Health Solutions, Inc. (Medco), and Express Scripts all commented on the proposed language in 20 CSR 100-1.060(4)(A). CVS Caremark, PCMA, Medco, and Express Scripts all expressed concern that the proposed language would require payment of a claim within ten (10) days of receipt contrary to section 376.383, RSMo. AHIP and Coventry Health Care of Kansas, Inc. both expressed concern that the regulation was inconsistent with the language of section 376.383, RSMo, requiring a health carrier to "1) Send an acknowledgment of the date of receipt; or 2) Send notice of the status of the claim that includes a request for additional information" within ten (10) days of receiving a claim. United Health Group appeared to find the language confusing and sought clarification.
RESPONSE AND EXPLANATION OF CHANGE: Although the director does not believe the current language of the proposed regulation requires payment of a claim within ten (10) days as suggested, it is clear from the comments that some clarification of the language would be appropriate. Accordingly, the director will modify the proposed rule to clarify that all of the actions listed in 20 CSR 100-1.060(4)(A) are in the alternative.

COMMENT #2: United Health Group commented that the definition of "Request for additional information" is more restrictive than section 376.383.10, RSMo, in that the information requested may be needed to determine a company's liability but may not be specific to the claim or episode of care or may not be in the patient's medical or billing record, as defined by the proposed 20 CSR 100-1.060(2)(M)1. and 4. As such, United Health Group requested that the provisions in 20 CSR 100-1.060(2)(M)1. and 4. be removed.
RESPONSE AND EXPLANATION OF CHANGE: The director agrees and will modify the rule accordingly.

COMMENT #3: United Health Group requested that the phrase "or indirectly" be removed from the definition of "third-party contractor"

in 20 CSR 100-1.060(2)(P). Coventry Health Care of Kansas, Inc. expressed a similar concern. The concern expressed by United Health Group was that the proposed language might be interpreted to make it responsible for the actions of a provider's contractor. United Health Group suggests the following change to the current language of the proposed rule: "'Third-party contractor' shall mean an entity or person directly contracted with the health carrier to receive or process claims for reimbursement of health care services on behalf of the health carrier."
RESPONSE AND EXPLANATION OF CHANGE: While it was not the intent of the proposed language to make health carriers responsible for the actions of providers' contractors, the director appreciates United Health Group's concern. Therefore, the language of the definition in the proposed regulation will be modified to more closely conform to the definition contained in section 376.383, RSMo.

COMMENT #4: United Health Group suggested that the director add language to 20 CSR 100-1.060(4)(B) to clarify that it must be able to identify the claimant as an insured before it accepts the claim and sends an acknowledgement of the claim. It suggested rewording this subsection to read as follows:

> If notice of the claim was received and accepted as an electronically filed claim, the health carrier shall issue confirmation of receipt of the claim within one (1) working day of its receipt to the claimant or third-party contractor that submitted the claim electronically.

RESPONSE AND EXPLANATION OF CHANGE: The director appreciates this comment. Nothing in the authorizing statutes requires that a claim be "accepted" in order to be "received." However, the proposed rule will be modified to make the language consistent with the definition of "confirmation of receipt" found in 20 CSR 100-1.060(2)(C). Additionally, subparagraph 20 CSR 100-1.060(3)(B)3. will be removed since it seems to be redundant with this paragraph.

COMMENT #5: United Health Group suggested that the director should add language to 20 CSR 100-1.060(4)(D) to clarify that providers are not always the ones who submit claims; that they often submit claims through third-party contractors. It suggested rewording this subsection to read as follows: All denials, suspensions, or requests for additional information shall be communicated in writing to the claimant or third-party contractor and shall include specific reasons why the action was taken or why the information is needed.
RESPONSE: The director appreciates this comment, but feels that United Health Group misunderstood the meaning of the defined term, "third-party contractor." Under section 376.383.1(9), RSMo, and this proposed rule, a "third-party contractor" is a person or entity "contracted with the health carrier to receive or process claims." Consequently, the suggested change will not be made.

COMMENT #6: United Health Group suggested that to keep the language of the rule consistent, 20 CSR 100-1.060(5)(A)1. be modified as follows: "… The interest shall be payable by the health carrier to the health care provider, individual insured, enrollee, or other entity submitting the claim…."
RESPONSE AND EXPLANATION OF CHANGE: The director agrees and will modify the rule accordingly.

COMMENT #7: America's Health Insurance Plans (AHIP) and Coventry Health Care of Kansas, Inc. commented that the reference to non-electronic claims in the proposed rule's definition of claim in subsection 20 CSR 100-1.060(2)(B) should be removed, as section 376.384.2, RSMo, states that paper claims submitted by providers shall not be subject to the provisions of section 376.383, RSMo.
RESPONSE AND EXPLANATION OF CHANGE: The director agrees with these comments to the extent they relate to provider submitted claims and will modify the definition of "claim" set forth in 20 CSR 100-1.060(2)(B) accordingly.

COMMENT #8: America's Health Insurance Plans (AHIP) commented that the requirement for a carrier to submit two (2) separate requests for additional information to the claimant before suspending or denying a claim is inconsistent with section 376.383, RSMo. It requests that this requirement be removed from 20 CSR 100-1.060(5).
RESPONSE: The director appreciates AHIP's comment, but believes AHIP has misunderstood the meaning of this section of the proposed regulation. The language in section (5) that AHIP cites in its comment relates only to claims that are suspended or denied due to lack of information. Section 375.1007(3), RSMo, requires companies to adopt and implement reasonable standards for the prompt investigation and settlement of claims arising under its policies. Section 376.383.2, RSMo, further clarifies what constitutes a reasonable investigation for the purposes of health care claims by limiting to two (2) the number of requests for additional information that a health carrier is required to make – the initial request and a final request. The language in section (5) of the proposed regulation merely embodies the statutory requirements of sections 375.1007(3) and 376.383.2, RSMo. Therefore, no change will be made to this portion of the proposed rule in response to this comment.

COMMENT #9: America's Health Insurance Plans (AHIP) commented that that the proposed rules do not take into account the requirements outlined in section 376.427, RSMo, governing claims payment when an assignment of benefits has been made. As such, AHIP proposed the following language be added to the regulation to exclude situations that are governed by section 376.427, RSMo: Notwithstanding any other provisions to the contrary, this rule shall not be construed to apply to any claim that is subject to section 376.427, RSMo.
RESPONSE: The director appreciates this comment; however, no changes will be made in response. The rules of statutory construction require that statutes be read in harmony so as to give effect to each. Nothing in section 376.427, RSMo, excludes claims subject to it from sections 376.383 and 376.384, RSMo, and vice versa. All health carriers, as defined by section 376.1350, RSMo, are bound by sections 376.383 and 376.384, RSMo. The director believes that all of the statutes in question can be applied without conflict; however, in the event a conflict were found, the provisions of sections 376.383 and 376.384, RSMo, would prevail since these statutes were enacted more recently than section 376.427, RSMo.

COMMENT #10: Coventry Health Care of Kansas, Inc. commented that the definition of "date of receipt," found in 20 CSR 100-1.060(2)(F) is confusing. By using the postmark date as the date of receipt by the carrier, Coventry Health Care of Kansas, Inc. argues that the rule improperly adds days against the health carrier's timeliness requirements, as there may be several days between the postmark date and the date the carrier actually receives the correspondence.
RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and will modify the rule accordingly.

COMMENT #11: Coventry Health Care of Kansas, Inc. commented that the definition of "reason for denial," as set forth in 20 CSR 100-1.060(2)(L) is incomplete and overly restrictive because it limits the reason for denial to specific contract provision(s). Coventry Health Care of Kansas, Inc. contends that this limitation would prevent a carrier from administratively denying a claim if a provider submits a duplicate claim or from denying a claim for a product or service that is not intended to be covered by the carrier, nor specifically listed as a covered service within the contract. The result of such a requirement would require a health carrier to create a specific exclusion provision for all possible products or services, or administrative scenarios, which are not intended to be covered.
RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and will remove the definition of "reason for denial."

COMMENT #12: Signature Medical Group commended the director for the language proposed in subsection 20 CSR 100-1.060(2)(M), in that it will limit the scope of requests to that information which is reasonably relevant to the claims adjudication process; and will prevent abusive conduct regarding these requests. Signature Medical Group commended the director for language proposed in subsection 20 CSR 100-1.060(4)(A), in that it will clarify the requirements of section 376.383, RSMo, as they relate to the health carrier's duties upon receipt of a claim.
RESPONSE: The director thanks Signature Medical Group for this comment. While some changes have been made to this language in response to previous comments, the director believes the provision will still fulfill the goals espoused by this comment.

COMMENT #13: Signature Medical Group commended the director for language proposed in subsection 20 CSR 100-1.060(4)(A), in that it will clarify the requirements of section 376.383, RSMo, as they relate to the health carrier's duties upon receipt of a claim.
RESPONSE: The director thanks Signature Medical Group for this comment. While some changes have been made to this language in response to previous comments, the director believes the provision will still fulfill the goals espoused by this comment.

COMMENT #14: Signature Medical Group suggested that the rule make reference in 20 CSR 100-1.060(5)(A) to the statutory penalty set forth in section 376.383.6, RSMo, for those claims on which the health carrier has notified the claimant, in writing, that the claim has been suspended or denied. Missouri State Medical Association (MSMA) made a similar comment regarding the provisions of the proposed rule and section 376.383.6, RSMo.
RESPONSE: The director appreciates this comment; however, no changes were made to the rule in response. It is the director's understanding that section 376.383.6, RSMo, provides a private cause of action enforceable by providers through the court system and is outside the purview of this regulation.

COMMENT #15: Signature Medical Group requested that the director further define the relevant correspondence it seeks when reviewing a complaint against a health carrier as set forth in 20 CSR 100-1.060(5)(C) in order to make the review process more efficient for the claimant/provider and the director.
RESPONSE: The director appreciates this comment; however, no changes were made to the rule in response. The director cannot determine in advance what correspondence might be relevant to any particular complaint. It depends on the health care provider to make such a determination on a case-by-case basis, consistent with the language of the statute and this regulation.

COMMENT #16: Missouri State Medical Association (MSMA) supported the proposed rule, stating that the clarifications to sections 376.383 and 376.384, RSMo, proposed by the director will facilitate compliance and enforcement of the law and its intent; however, MSMA requested that the director revise the definition of claim to address problems experienced when providers submit a multi-line claim that includes several claims for several separate services.
RESPONSE: The director appreciates this comment; however, no changes were made to the rule in response. It is the director's understanding that section 376.383, RSMo, allows each line of a multi-line claim to separately be paid, denied, or additional information requested. This is envisioned in the language of the regulation as currently drafted.

COMMENT #17: Joint Committee on Administrative Rules Staff commented that the authority section misidentifies section 375.045, RSMo, as an authorizing statute.
RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the authority section accordingly.

20 CSR 100-1.060 Standards for Prompt, Fair, and Equitable Settlements under Health Benefit Plans

(2) Definitions. As used in sections 376.383 and 376.384, RSMo, and in the regulations promulgated pursuant thereto—

(A) "Acknowledgment of the date of receipt" shall mean a written notice, whether made in electronic or nonelectronic format, to the claimant by the health carrier or its third-party contractor that it received a claim and setting forth the date on which the claim was received;

(B) "Claim" shall mean a written request or demand by a claimant for the payment of health care services provided, whether made in an electronic format by a provider or in an electronic or nonelectronic format by an insured or enrollee;

(C) "Confirmation of receipt" shall mean a written notice, made in electronic or nonelectronic format, to the health care provider by the health carrier or its third-party contractor that it received an electronically-filed claim. A confirmation of receipt may also constitute an acknowledgement of the date of receipt if it meets the requirements of subsection (A) of this section;

(D) "Date of claim payment" shall mean the date the health carrier or its third-party contractor mails or sends the payment as indicated by the date of—

1. The postmark, if a claim payment is delivered by the U.S. Postal Service;

2. The electronic transmission, if the payment is made electronically;

3. The delivery of the claim payment by a courier; or

4. The receipt by the claimant, if the claim payment is made other than as provided in paragraphs (2)(D)1. through (2)(D)3., above;

(E) "Date of denial" shall mean the date when the health carrier or its third-party contractor mails or electronically sends a denial;

(F) "Date of receipt" shall mean the date upon which the health carrier or its third-party contractor first receives a claim or other information relevant and pertinent to the claim, indicated by the date of—

1. Presumed receipt in subsection (3)(B), below, if a claim is delivered in that manner;

2. The electronic transmission, if the claim is delivered electronically; or

3. The date stamped by the health carrier or its third-party contractor, if the claim is delivered in a manner other than those described above;

(G) "Deny" or "denial" shall mean the health carrier or its third-party contractor mails or sends an electronic or written notice to the claimant refusing to reimburse all or part of the claim, which includes each reason for the denial;

(H) "Health benefit plan" shall mean health benefit plan as defined in section 376.1350, RSMo;

(I) "Notification of claim" shall mean any notification to a carrier or its third-party contractor, by a claimant, which reasonably apprises the health carrier of the facts pertinent to a claim;

(J) "Pay" or "payment" shall mean the health carrier or its third-party contractor mails or sends electronic or written notice including remuneration to the claimant that reimburses all or part of the claim;

(K) "Processing days" shall mean the number of days the health carrier or its third-party contractor has the claim in its possession. Processing days shall not include days in which the health carrier is waiting for a response to a reasonable request for additional necessary information;

(L) "Request for additional information" shall mean when the health carrier or its third-party contractor requests, in writing, whether made in electronic or nonelectronic format, additional necessary information from the claimant to determine if all or part of the claim will be reimbursed. Such a request must meet the following requirements:

1. It shall describe with specificity the clinical and other information to be included in the response; and

2. It shall be relevant and necessary for the resolution of the claim;

(M) "Suspension date" shall mean the date the health carrier or its third-party contractor mails or sends electronic written notice that the claim is suspended;

(N) "Third-party contractor" shall mean an entity or person contracted with the health carrier to receive or process claims for reimbursement of health care services; and

(O) "Working days" shall mean the number of consecutive days not counting weekends or federal holidays.

(3) Communications Between Entities Subject to This Rule.

(A) An entity subject to this rule may deliver written communication as follows:

1. By U.S. mail, first-class delivery; by U.S. mail, return receipt requested; or by overnight mail, and maintain a copy of the receipt or signature card acknowledging receipt of delivery;

2. Electronically and maintain proof of the electronically submitted communication;

3. If the entity accepts facsimile transmissions for the type of communication being sent, then fax the communication and maintain proof of the facsimile transmission; or

4. Hand delivery of the communication and maintain a copy of the signed receipt acknowledging the hand delivery.

(B) Communication is presumed to be received as follows:

1. On the date shown by a date stamp showing the actual date received, if the sender used U.S. mail, first-class delivery; or

2. On the date the delivery receipt is signed, if the sender used an overnight delivery service or the U.S. mail, return receipt requested, or if the sender hand delivered the communication.

(4) Standards for Prompt, Fair, and Equitable Settlements under Health Benefit Plans.

(A) Every health carrier or third-party contractor, upon receiving notification of a claim from a claimant, shall, within ten (10) working days, do one (1) or more of the following—

1. Send an acknowledgment of the date of receipt;

2. Send written notice of status of the claim, whether made in electronic or nonelectronic format, with a request for additional information and from whom it is requested, such as the claimant, the patient, or another health care provider;

3. Pay the total amount of the claim in accordance with the contract between the health carrier and the health care provider or the health carrier and the insured or enrollee;

4. Pay the portion of the claim for which the health carrier acknowledges liability in accordance with the contract between the health carrier and the health care provider or the health carrier and the insured or enrollee, suspend the remainder of the claim, and send a request for additional information;

5. Pay the portion of the claim for which the health carrier acknowledges liability in accordance with the contract between the health carrier and the health care provider or the health carrier and the insured or enrollee, and deny a portion of the claim and specify each reason for the denial; or

6. Deny the claim in its entirety and specify each reason for such denial.

(B) If notice of the claim was received as an electronically filed claim, the health carrier or its third-party contractor shall issue confirmation of receipt of the claim within one (1) working day of its receipt to the claimant that submitted the claim electronically.

(C) If additional information is requested, an appropriate reply shall be made within fifteen (15) processing days of receiving any additional claim information from the person from whom the information was requested. An appropriate reply shall mean payment of all or the undisputed portion of the claim, denial of the claim, suspension of the claim, or a final request for additional information.

(D) All denials, suspensions, or requests for additional information shall be communicated in writing to the claimant and shall include specific reasons why the action was taken or why the information is needed.

(5) Health carriers must conduct a reasonable investigation before denying or suspending a claim in whole or in part. Health carriers shall not suspend or deny claims for the lack of information until it has requested the pertinent additional information on two (2) separate occasions.

(A) Claims.

1. If a claim or portion of a claim remains unpaid after forty-five (45) days after notification of the claim, interest shall accrue beginning from the forty-fifth day after the date of receipt of the claim at a rate equal to one percent (1%) per month of the unpaid balance of the claim until the claim is paid. The interest shall be payable by the health carrier to the health care provider, individual insured, enrollee, or other entity submitting the claim. If the health carrier denies or suspends a claim that is subsequently determined to be the liability of the health carrier, the health carrier will be responsible for the interest from the forty-fifth day of the original date of notification of the claim until the claim is actually paid.

2. Any improperly denied claims that are subsequently determined to be payable shall have interest calculated from the forty-fifth day after the date of receipt of the claim.

3. The health carrier may wait until the claimant's aggregate interest payments reach five dollars ($5) before making interest payment to the claimant.

(B) Duties of the Health Carrier.

1. When a health carrier pays or denies a claim, it shall explain in sufficient detail how each item or service was reimbursed. Specifically, if the health carrier has a contract rate with the health care provider, the health carrier shall indicate which items or services are included in the reimbursement and which items are not included in the reimbursement.

2. Pursuant to the requirements of 20 CSR 100-8.040, health carriers shall maintain and legibly date stamp all documentary material related to the pertinent events of a claim. Pertinent events shall include, but not be limited to, the date of the notification of claim, date of claim payment, date of denial, suspension date, reason for denial or suspension, amount paid, amount denied, amount suspended, date additional information is requested, the nature of the specific additional information requested, and the date such additional information was received.

3. After notification of a claim, if any information on the claim that affects the amount of benefits payable is changed or omitted in the processing of the claim, including any electronic edits, the health carrier or its third-party contractor shall notify the claimant of the modification in writing with specificity.

4. Any contractual agreement between the health carrier and any of its third-party contractors that receives or processes claims, obtains the service of a health care provider to provide health care services, or issues verifications or pre-authorizations may not be construed to limit the health carrier's authority or responsibility to comply with all applicable statutory and regulatory requirements of this rule or of sections 376.383 and 376.384, RSMo.

5. Contracts between health care providers, health carriers, and their respective third-party contractors shall not extend the statutory or regulatory time frames set forth in this rule or in sections 376.383 and 376.384, RSMo.

(C) Complaints Against Health Carriers. Every complaint made by a health care provider to the director shall include: the health care provider's name, address, and daytime phone number; the health carrier's name; the date of service and date(s) the claim was filed with the health carrier; all relevant correspondence between the health care provider and the health carrier, including requests from the health carrier for additional information; a copy of the confirmation of receipt or acknowledgment of the date of receipt of the claim from the health carrier or its third-party contractor, if available; and additional information which the health care provider believes would be of assistance in the department's review.

AUTHORITY: section 376.1007, RSMo 2000 and sections 374.045, 376.383, and 376.384, RSMo Supp. 2008. Original rule filed Sept. 5, 2008.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 100—Insurer Conduct
Chapter 1—Improper or Unfair Claims Settlement Practices

ORDER OF RULEMAKING

By the authority vested in the Department of Insurance, Financial Institutions and Professional Registration under section 376.1007, RSMo 2000 and sections 374.045, 376.383, and 376.384, RSMo Supp. 2008, the director adopts a rule as follows.

20 CSR 100-1.070 is adopted.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1879–1881). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held November 18, 2008, and the public comment period ended November 25, 2008. At the public hearing, department staff explained the new rule and the director received comments from National Counsel for Prescription Drug Programs (NCPDP), Express Scripts, Medco Health Solutions, Inc. (Medco), and America's Health Insurance Plans (AHIP)

COMMENT #1: National Counsel for Prescription Drug Programs (NCPDP), Express Scripts, and Medco Health Solutions, Inc. (Medco) all commented with concerns regarding the proposed regulation's application to prescription drug cards. NCPDP commented that is has established a standard format for prescription drug cards as well as for combination cards that include both prescription and medical services coverage. Although the proposed rule does not directly affect pharmacy cards, NCPDP expressed concern that the rule may result in confusion and extra expense across a broad spectrum of the industry's members if these cards must be altered to comply with the proposed rule. Express Scripts expressed a similar concern that requiring pharmacy or prescription drug cards to comply with this proposed rule and deviate from the standards already established by the NCPDP would raise administrative costs for pharmacy benefit managers, its clients, and ultimately consumers. Express Scripts stated that pharmacy benefit managers (PBM) rarely re-issue cards, and that the information being required on the cards, according to this rule, may not be available or necessary to the PBM in administering the pharmacy benefit. As such, Express Scripts requested that the director amend the proposed rule to require pharmacy benefit cards to be issued with language consistent with the NCPDP guidelines. Medco also recommended that the director adopt the established standards for prescription drug program identification cards set forth and described in the NCPDP guidelines. Because most, if not all of the states use the NCPDP standard identification card, requiring changes to the information only on cards issued in Missouri would put an undue financial burden on national companies that participate in the Missouri pharmacy benefit market place.

RESPONSE AND EXPLANATION OF CHANGE: Based on the information presented by NCPDP and contained in its Health Care Identification Card – Pharmacy and/or Combination ID Card Implementation Guide, the rule will be modified to exempt from its requirements identification cards that relate solely to the provision of prescription drug benefits.

COMMENT #2: America's Health Insurance Plans (AHIP), commented that it is working with the Council for Affordable Quality Healthcare (CAQH) and other stakeholders in the health care system on a national level on a planned proof of concept that would provide uniform web portal(s) where providers can interface to a critical mass of health plans in an effort to promote quality interactions between plans, providers, and other stakeholders and to reduce costs and frustrations associated with healthcare delivery and administration. As such, AHIP encourages the director to take into account its work being done with respect to simplifying access to patient eligibility and benefit information through the CAQH and its partnership with key provider organizations. AHIP expressed concern as to whether the proposed rule would achieve the intended goals and whether it would result in increased costs, in that health carriers would be required to produce and issue millions of redesigned identification cards. AHIP expressed concern that the cost of this redesign and reissuance of cards would ultimately increase the cost of healthcare for consumers. It also requested clarification regarding the impetus and statutory authority for the proposed regulation and offered to enter into dialogue with the director to determine whether there are more cost-effective and efficient alternatives to achieve the director's objectives. Based on these reasons, AHIP requests that the director withdraw this proposed regulation.

RESPONSE AND EXPLANATION OF CHANGE: The director appreciates the comments and concerns raised by AHIP. It is the director's understanding that similar requirements for health carriers' identification cards exist in other states. As such, health carriers are already bound by the requirement that some information be included on the identification cards indicating whether the plan is a self-funded plan or whether it is a plan regulated by the state department of insurance. Furthermore, the intent of subsection (3)(C) of the rule was to give health carriers approximately one (1) year to modify their systems before they would be required to issue identification cards in compliance with the rule. The director will modify subsection (3)(C) to help clarify this issue. In response to AHIP's question of statutory authority, section 376.384.6, RSMo, requires the director to develop a method by which health care providers may submit complaints to the department relating to carriers' practices which may violate the provisions of sections 376.383 and 376.384, RSMo. The director, pursuant to section 376.384.8, RSMo, also has authority to promulgate rules for the implementation of those laws. Furthermore, sections 376.936(6) and 375.1007(1), RSMo, require health carriers to accurately represent to their insureds the benefits, advantages, conditions, or terms of any policy and to provide relevant facts or policy provisions relating to coverages at issue. The purpose of this rule is to implement those laws by providing a means by which the provider can readily identify whether the acts of the carrier fall under the jurisdiction of the department. For further clarification, the term "DOI" in 20 CSR 100-1.070(3)(A)3. will be changed to indicate "fully insured."

COMMENT #3: Joint Committee on Administrative Rules Staff commented that the authority section misidentifies section 375.045, RSMo, as an authorizing statute.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the authority section accordingly.

20 CSR 100-1.070 Identification Cards Issued by Health Carriers

(1) Applicability.

(A) This rule applies to all health carriers offering or providing a plan of health insurance, health benefits, or health services to individuals and groups.

(B) The provisions of this rule shall not apply to identification cards issued to individuals or groups that relate solely to the provision of prescription drug benefits.

(2) Definitions. As used in this section—

(A) "Health benefit plan" shall mean health benefit plan as defined in section 376.1350(18), RSMo; and

(B) "Health carrier" shall mean health carrier as defined in section 376.1350(22), RSMo.

(3) Identification Cards.

(A) An identification card or similar document issued to insureds or enrollees shall include the following information:

1. The name of the enrollee or insured;

2. The first date on which the enrollee or insured became eligible for benefits under the plan or a toll-free number that a health care provider may use to obtain such information; and

3. Indicate that the health benefit plan offered by the health carrier is regulated by the Department of Insurance, Financial Institutions and Professional Registration by placing "Fully Insured" on the front.

(B) Nothing shall prohibit the issuer of a health benefit plan from using an identification card containing a magnetic strip or other technological component enabling the electronic transmission of information, provided that the information required in this section is printed on the card.

(C) The requirements of this section shall apply as follows:

1. Beginning on March 1, 2010, for all new health benefit plans issued on or after March 1, 2010; and

2. On the first plan anniversary after March 1, 2010, for all health benefit plans already in effect on March 1, 2010.

AUTHORITY: section 376.1007, RSMo 2000 and sections 374.045, 376.383, and 376.384, RSMo Supp. 2008. Original rule filed Sept. 5, 2008.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION
Division 200—Insurance Solvency and Company Regulation
Chapter 1—Financial Solvency and Accounting Standards

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo Supp. 2008 and sections 376.370 and 376.380, RSMo 2000, the director amends a rule as follows:

20 CSR 200-1.116 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2358–2369). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on January 6, 2009, and the comment period ended at 5:00 p.m. on January 13, 2009. The Department of Insurance, Financial Institutions and Professional Registration received two (2) written comments on the proposed amendment.

COMMENT #1: David Monaghan with American Family Insurance Group and Bryan Cox with the American Council of Life Insurers suggested a renumbering of the asset adequacy analysis exhibits in paragraph (4)(B)2. of the proposed amendment to reflect changes in the corresponding exhibits in the *Blue Book of Financial Statements*.
RESPONSE: The numbered exhibits have been eliminated in favor of a note directing the use of the appropriate exhibits, pages, and lines of the insurer's annual statement filed with the director.

COMMENT #2: Bryan Cox with the American Council of Life Insurers suggested 1) the insertion of subsection (C) between paragraph (3)(B)5. and subsection (3)(D); 2) that the sub-bullet points following subparagraph (4)(B)6.E. be clarified as modifying all of paragraph (4)(B)6.; and 3) that paragraph (5)(E)2. not be shown as deleted.
RESPONSE AND EXPLANATION OF CHANGE: 1) Subsection (3)(C) was not modified or deleted in the proposed order of rulemaking but was merely not published to save space and, accordingly, need not be republished here although it will continue to appear in the *Code of State Regulations* (CSR); 2) the small roman numerals have been removed from the sub-bullets, so that they no longer appear to refer only to subparagraph (4)(B)6.E.; and 3) the language of paragraph (5)(E)2. has been included in the amendment.

20 CSR 200-1.116 Actuarial Opinion and Memorandum Regulation

(4) Statement of Actuarial Opinion Based On an Asset Adequacy Analysis.

(B) Recommended Language. The following paragraphs are to be included in the statement of actuarial opinion in accordance with this section. Language is that which in typical circumstances should be included in a statement of actuarial opinion. The language may be modified as needed to meet the circumstances of a particular case, but the appointed actuary should use language which clearly expresses his/her professional judgment. However, in any event the opinion shall retain all pertinent aspects of the language provided in this section.

1. The opening paragraph should generally indicate the appointed actuary's relationship to the company and his/her qualifications to sign the opinion. For a company actuary, the opening paragraph of the actuarial opinion should include a statement such as: "I, (name), am (title) of (insurance company name) and a member of the American Academy of Actuaries. I was appointed by, or by the authority of, the board of directors of said insurer to render this opinion as stated in the letter to the director dated (insert date). I meet the Academy qualification standards for rendering the opinion and am familiar with the valuation requirements applicable to life and health insurance companies." For a consulting actuary, the opening paragraph should contain a statement such as: "I, (name), a member of the American Academy of Actuaries, am associated with the firm of (name of consulting firm). I have been appointed by, or by the authority of, the board of directors of (name of company) to render this opinion as stated in the letter to the director dated (insert date). I meet the Academy qualification standards for rendering this opinion and am familiar with the valuation requirements, relating to life and health companies."

2. The scope paragraph should include a statement such as: "I have examined the actuarial assumptions and actuarial methods used in determining reserves and related actuarial items listed below, as shown in the annual statement of the company, as prepared for filing with state regulatory officials, as of December 31, 20(__). Tabulated as follows are those reserves and related actuarial items which have been subjected to asset adequacy analysis."

Reserves And Liabilities
Asset Adequacy Tested Amounts

Statement Item (c)	Formula Reserves (1)	Additional Actuarial Reserves (a) (2)	Analysis Method (b)	Other Amount (3)	Total Amount (1)+(2)+(3) (4)
TOTAL RESERVES	_____	_____		_____	_____
IMR (Page _____ Line _____)	_____				
AVR (Page _____ Line _____)	_____ (d)				

(a) The additional actuarial reserves are the reserves established under paragraph (3)(E)2.
(b) The appointed actuary should indicate the method of analysis, determined in accordance with the standards for asset adequacy analysis referred to in subsection (3)(D) of this regulation, by means of symbols which should be defined in footnotes to the table.
(c) Statement Items should describe lines of business subjected to asset adequacy analysis and contain appropriate references to the exhibits, pages, and lines of the insurer's annual statement filed with the director to which the amounts listed reconcile.
(d) Allocated amount of Asset Valuation Reserve (AVR).

3. If the appointed actuary has relied on other experts to develop certain portions of the analysis, the reliance paragraph should include a statement such as: "I have relied on (name), (title) for (for example, anticipated cash flows from currently owned assets, including variations in cash flows according to economic scenarios) and, as certified in the attached statement I have reviewed the information relied upon for reasonableness." A statement of reliance on other experts should be accompanied by a statement by each of these experts in the form prescribed by subsection (4)(E).

4. If the appointed actuary has examined the underlying asset and liability records, the reliance paragraph should include a statement such as: "My examination included a review of the actuarial assumptions and actuarial methods and of the underlying basic asset and liability records and tests of the actuarial calculations as I considered necessary. I also reconciled the underlying basic asset and liability records to (exhibits and schedules listed as applicable) of the company's current annual statement."

5. If the appointed actuary has not examined the underlying records, but has relied upon data (e.g., listings and summaries of policies in force or asset records), prepared by the company, the reliance paragraph should include a sentence such as: "In forming my opinion on (specify types of reserves), I relied upon data prepared by (name and title of company officer certifying in-force records or other data) as certified in the attached statements. I also reconciled that data to (exhibits and schedules to be listed as applicable) of the company's current annual statement. In other respects, my examination included review of the actuarial assumptions and actuarial methods and tests of the calculations I considered necessary." This section shall be accompanied by a statement by each person relied upon in the form prescribed by subsection (4)(E).

6. The opinion paragraph should include a statement such as: "In my opinion the reserves and related actuarial values concerning the statement items identified above:

A. "Are computed in accordance with presently accepted actuarial standards consistently applied and are fairly stated, in accordance with sound actuarial principles;

B. "Are based on actuarial assumptions which produce reserves at least as great as those called for in any contract provision as to reserve basis and method, and are in accordance with all other contract provisions;

C. "Meet the requirements of the insurance law and regulation of the state of (state of domicile) and are at least as great as the minimum aggregate amounts required by the state in which this statement is filed;

D. "Are computed on the basis of assumptions consistent with those used in computing the corresponding items in the annual statement of the preceding year-end (with any exceptions noted here);

E. "Include provision for all actuarial reserves and related statement items which ought to be established.

"The reserves and related items, when considered in light of the assets held by the company with respect to such reserves and related actuarial items including, but not limited to, the investment earnings on the assets, and the considerations anticipated to be received and retained under the policies and contracts, make adequate provision, according to presently accepted actuarial standards of practice, for the anticipated cash flows required by the contractual obligations and related expenses of the company. (At the discretion of the director, this language may be omitted for an opinion filed on behalf of a company doing business only in this state and in no other state.)

"The actuarial methods, considerations, and analyses used in forming my opinion conform to the appropriate Standards of Practice as promulgated by the Actuarial Standards Board, which standards form the basis of this statement of opinion.

"This opinion is updated annually as required by statute. To the best of my knowledge, there have been no material changes from the applicable date of the annual statement to the date of the rendering of this opinion which should be considered in reviewing this opinion"; or

"The following material change(s) which occurred between the date of the statement for which this opinion is applicable and the date of this opinion should be considered in reviewing this opinion: (Describe the change(s).)" (Note: Choose one of the preceding two (2) paragraphs, whichever is applicable.)

"The impact of unanticipated events subsequent to the date of this opinion is beyond the scope of this opinion. The analysis of asset adequacy portion of this opinion should be viewed recognizing that the company's future experience may not follow all the assumptions used in the analysis.

_____
(Signature of Appointed Actuary)

_____
(Address of Appointed Actuary)

_____
(Telephone Number of Appointed Actuary)

_____
(Date)"

(5) Description of Actuarial Memorandum Including an Asset Adequacy Analysis and Regulator Asset Adequacy Issues Summary.

(E) Use of Assets Supporting the Interest Maintenance Reserve and the Asset Valuation Reserve. An appropriate allocation of assets in the amount of the interest maintenance reserve (IMR), whether positive or negative, shall be used in any asset adequacy analysis. Analysis of risks regarding asset default may include an appropriate

allocation of assets supporting the asset valuation reserve (AVR); these AVR assets may not be applied for any other risks with respect to reserve adequacy. Analysis of these and other risks may include assets supporting other mandatory or voluntary reserves available to the extent not used for risk analysis and reserve support. The amount of the assets used for the AVR must be disclosed in the Table of Reserves and Liabilities of the opinion and in the memorandum. The method used for selecting particular assets or allocated portions of assets must be disclosed in the memorandum.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited application listed below. A decision is tentatively scheduled for April 21, 2009. This application is available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

03/10/09

#4346 NS: Northgate Park Nursing Home
Florissant (St. Louis County)
$1,007,750, Renovate/modernize LTC facility

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by April 10, 2009. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

Notice of Winding Up for: Practice Management Group, LLC

Persons with claims against this limited liability company should present them in accordance with the following procedure:

A) In order to file a claim with the limited liability company, you must furnish the following:

i) Amount of the claim
ii) Basis for the claim
iii) Documentation of the claim

B) The claim must be mailed to:

John Whiteside, Attorney
804 Locust
Columbia, MO 65201

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.

Notice of Winding Up for: CDLAW, LLC

Persons with claims against this limited liability company should present them in accordance with the following procedure:

A) In order to file a claim with the limited liability company, you must furnish the following:

i) Amount of the claim
ii) Basis for the claim
iii) Documentation of the claim

B) The claim must be mailed to:

John Whiteside, Attorney
804 Locust
Columbia, MO 65201

A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of the notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST MAJOR BUILDING LLC

On December 29, 2008, Major Building LLC, a Missouri limited liability company (the "Company") agreed to dissolve and wind up the Company.

The Company requests that all persons and organizations who have claims against it present those claims immediately by letter to Jennifer R. Byrne at Gallop, Johnson & Neuman, L.C., 101 South Hanley, Suite 1700, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF MAJOR BUILDING LLC, ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER _____, 2009.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST RAPCO BUILDING, LLC

On December 29, 2008, Rapco Building, LLC, a Missouri limited liability company (the "Company") agreed to dissolve and wind up the Company.

The Company requests that all persons and organizations who have claims against it present those claims immediately by letter to Jennifer R. Byrne at Gallop, Johnson & Neuman, L.C., 101 South Hanley, Suite 1700, St. Louis, Missouri 63105. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF RAPCO BUILDING, LLC, ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE (3) YEARS AFTER _____, 2009.

Notice of Corporate Dissolution
To All Creditors of and
Claimants Against
Kansas City Plumbing, Inc.

On February 23, 2009 KANSAS CITY PLUMBING, INC., a Missouri corporation, filed its Articles of Dissolution with the Missouri Secretary of State. Dissolution was effective on February 23, 2009.

Said corporation requests that all persons and organizations who have claims against it present them immediately by letter to the corporation at:

Kansas City Plumbing, Inc.
C/o VanOsdol & Magruder, P.C.
911 Main St., Ste. 2400
Kansas City, MO 64105

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, and the date(s) on which the event(s) on which the claim is based occurred, a brief description of the nature of the debt or the basis for the claim.

NOTICE: Because of the dissolution of KANSAS CITY PLUMBING, INC., any claims against it will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of the two notices authorized by statute, whichever is published last.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
	DEPARTMENT OF AGRICULTURE				
2 CSR 70-11.050	Plant Industries	33 MoReg 1795	34 MoReg 183		
2 CSR 70-40.005	Plant Industries		33 MoReg 1803	34 MoReg 236	
2 CSR 90-10	Weights and Measures				33 MoReg 1193
2 CSR 90-10.001	Weights and Measures		33 MoReg 2089	34 MoReg 310	
2 CSR 90-10.011	Weights and Measures	33 MoReg 2081	33 MoReg 2089	34 MoReg 310	
2 CSR 90-10.012	Weights and Measures	33 MoReg 2082	33 MoReg 2090	34 MoReg 310	
2 CSR 90-10.013	Weights and Measures		33 MoReg 2091	34 MoReg 311	
2 CSR 90-10.014	Weights and Measures		33 MoReg 2091	34 MoReg 311	
2 CSR 90-10.016	Weights and Measures		33 MoReg 2092	34 MoReg 311	
2 CSR 90-10.017	Weights and Measures		33 MoReg 2092R	34 MoReg 311R	
2 CSR 90-10.020	Weights and Measures		33 MoReg 2093	34 MoReg 311	
2 CSR 90-10.040	Weights and Measures		33 MoReg 2093	34 MoReg 312	
2 CSR 90-10.100	Weights and Measures		33 MoReg 2094R	34 MoReg 312R	
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		34 MoReg 592		
2 CSR 100-2.030	Missouri Agricultural and Small Business Development Authority		34 MoReg 592		
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		34 MoReg 593		
2 CSR 100-10.010	Missouri Agricultural and Small Business Development Authority		34 MoReg 595		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		33 MoReg 2094	34 MoReg 236	
3 CSR 10-4.113	Conservation Commission		33 MoReg 2094	34 MoReg 236	
3 CSR 10-4.117	Conservation Commission		33 MoReg 2095	34 MoReg 237	
3 CSR 10-5.205	Conservation Commission		33 MoReg 2095		
3 CSR 10-5.215	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.220	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.222	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.225	Conservation Commission		33 MoReg 2098		
3 CSR 10-5.300	Conservation Commission		33 MoReg 2100	34 MoReg 544	
3 CSR 10-5.310	Conservation Commission		33 MoReg 2100		
3 CSR 10-5.315	Conservation Commission		33 MoReg 2100	34 MoReg 544W	
3 CSR 10-5.320	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.321	Conservation Commission		33 MoReg 2101	34 MoReg 544W	
3 CSR 10-5.322	Conservation Commission		33 MoReg 2101	34 MoReg 544W	
3 CSR 10-5.323	Conservation Commission		33 MoReg 2101	34 MoReg 545W	
3 CSR 10-5.330	Conservation Commission		33 MoReg 2102	34 MoReg 545W	
3 CSR 10-5.340	Conservation Commission		33 MoReg 2104	34 MoReg 545W	
3 CSR 10-5.345	Conservation Commission		33 MoReg 2106	34 MoReg 545W	
3 CSR 10-5.351	Conservation Commission		33 MoReg 2108	34 MoReg 546W	
3 CSR 10-5.352	Conservation Commission		33 MoReg 2110	34 MoReg 546W	
3 CSR 10-5.359	Conservation Commission		33 MoReg 2112	34 MoReg 546W	
3 CSR 10-5.360	Conservation Commission		33 MoReg 2114	34 MoReg 546W	
3 CSR 10-5.365	Conservation Commission		33 MoReg 2116	34 MoReg 546W	
3 CSR 10-5.370	Conservation Commission		33 MoReg 2118	34 MoReg 547W	
3 CSR 10-5.375	Conservation Commission		33 MoReg 2120	34 MoReg 547W	
3 CSR 10-5.420	Conservation Commission		33 MoReg 2122R		
3 CSR 10-5.425	Conservation Commission		33 MoReg 2122	34 MoReg 547W	
3 CSR 10-5.430	Conservation Commission		33 MoReg 2124		
3 CSR 10-5.435	Conservation Commission		33 MoReg 2126	34 MoReg 547W	
3 CSR 10-5.436	Conservation Commission		33 MoReg 2128		
3 CSR 10-5.440	Conservation Commission		33 MoReg 2130	34 MoReg 547W	
3 CSR 10-5.445	Conservation Commission		33 MoReg 2132	34 MoReg 548W	
3 CSR 10-5.540	Conservation Commission		33 MoReg 2134		
3 CSR 10-5.545	Conservation Commission		33 MoReg 2136		
3 CSR 10-5.551	Conservation Commission		33 MoReg 2138		
3 CSR 10-5.552	Conservation Commission		33 MoReg 2140		
3 CSR 10-5.554	Conservation Commission		33 MoReg 2142		
3 CSR 10-5.559	Conservation Commission		33 MoReg 2144		

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3 CSR 10-5.560	Conservation Commission		33 MoReg 2146		
3 CSR 10-5.565	Conservation Commission		33 MoReg 2148		
3 CSR 10-5.567	Conservation Commission		33 MoReg 2150		
3 CSR 10-5.570	Conservation Commission		33 MoReg 2152		
3 CSR 10-5.576	Conservation Commission		33 MoReg 2154R		
3 CSR 10-5.579	Conservation Commission		33 MoReg 2156R		
3 CSR 10-5.580	Conservation Commission		33 MoReg 2158R		
3 CSR 10-6.410	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.415	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.530	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.533	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.540	Conservation Commission		33 MoReg 2161	34 MoReg 549	
3 CSR 10-6.550	Conservation Commission		33 MoReg 2161	34 MoReg 549	
3 CSR 10-6.615	Conservation Commission		33 MoReg 2162	34 MoReg 549	
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3 CSR 10-7.433	Conservation Commission		33 MoReg 2163	34 MoReg 550	
3 CSR 10-7.434	Conservation Commission		33 MoReg 2164	34 MoReg 551	
3 CSR 10-7.437	Conservation Commission		33 MoReg 2165	34 MoReg 551	
3 CSR 10-7.455	Conservation Commission		33 MoReg 2165		34 MoReg 241
3 CSR 10-8.515	Conservation Commission		33 MoReg 2166	34 MoReg 551	
3 CSR 10-9.110	Conservation Commission		33 MoReg 2166	34 MoReg 552	
3 CSR 10-9.353	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.359	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.415	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.425	Conservation Commission		33 MoReg 2169	34 MoReg 552	
3 CSR 10-9.565	Conservation Commission		33 MoReg 2169	34 MoReg 552	
3 CSR 10-9.566	Conservation Commission		33 MoReg 2170	34 MoReg 553	
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3 CSR 10-10.716	Conservation Commission		33 MoReg 2173	34 MoReg 553	
3 CSR 10-10.722	Conservation Commission		33 MoReg 2173		
3 CSR 10-10.724	Conservation Commission		33 MoReg 2174		
3 CSR 10-10.725	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.726	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.727	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.728	Conservation Commission		33 MoReg 2177		
3 CSR 10-10.735	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.767	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.784	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.787	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.110	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.115	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.140	Conservation Commission		33 MoReg 2181	34 MoReg 555	
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3 CSR 10-11.160	Conservation Commission		33 MoReg 2182	34 MoReg 555	
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3 CSR 10-11.184	Conservation Commission		33 MoReg 2185	34 MoReg 555	
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3 CSR 10-12.140	Conservation Commission		33 MoReg 2189	34 MoReg 557	
3 CSR 10-12.145	Conservation Commission		33 MoReg 2190	34 MoReg 557	
3 CSR 10-20.805	Conservation Commission		33 MoReg 2191		
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4 CSR 240-20.065	Public Service Commission		This Issue		
4 CSR 240-20.091	Public Service Commission		34 MoReg 196 34 MoReg 605		34 MoReg 240RAN
4 CSR 240-33.170	Public Service Commission		33 MoReg 1942	34 MoReg 611	
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5 CSR 30-640.100	Division of Administrative and Financial Services		34 MoReg 113		
5 CSR 80-800.200	Teacher Quality and Urban Education		34 MoReg 368		
5 CSR 80-800.220	Teacher Quality and Urban Education		34 MoReg 368		
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5 CSR 80-800.270	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.280	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.350	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.360	Teacher Quality and Urban Education		34 MoReg 372		
5 CSR 80-800.380	Teacher Quality and Urban Education		34 MoReg 372		
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6 CSR 10-2.010	Commissioner of Higher Education		34 MoReg 115R		
6 CSR 10-2.020	Commissioner of Higher Education		34 MoReg 115R		
6 CSR 10-2.080	Commissioner of Higher Education		34 MoReg 115		
6 CSR 10-2.100	Commissioner of Higher Education		This Issue		
6 CSR 10-2.120	Commissioner of Higher Education		This Issue		
6 CSR 10-2.130	Commissioner of Higher Education		This Issue		
6 CSR 10-2.140	Commissioner of Higher Education		34 MoReg 119		
6 CSR 10-2.150	Commissioner of Higher Education		34 MoReg 121		
6 CSR 10-2.160	Commissioner of Higher Education		34 MoReg 122		
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7 CSR 10-23.020	Missouri Highways and Transportation Commission		33 MoReg 2427		
7 CSR 10-23.030	Missouri Highways and Transportation Commission		33 MoReg 2428		
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8 CSR 10-5.015	Division of Employment Security		33 MoReg 1866	34 MoReg 614W	
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8 CSR 10-5.050	Division of Employment Security		33 MoReg 1869	34 MoReg 618W	
8 CSR 30-4.010	Division of Labor Standards		33 MoReg 1710R 33 MoReg 1710	34 MoReg 237R 34 MoReg 237	
8 CSR 30-4.020	Division of Labor Standards		33 MoReg 1711R 33 MoReg 1711	34 MoReg 237R 34 MoReg 237	
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8 CSR 30-4.060	Division of Labor Standards		33 MoReg 1712	34 MoReg 238	
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9 CSR 10-5.200	Director, Department of Mental Health		34 MoReg 12		
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9 CSR 30-4.0431	Certification Standards		33 MoReg 1804	34 MoReg 557	
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10 CSR 10-5.381	Air Conservation Commission		33 MoReg 1946		
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R	34 MoReg 312R	
10 CSR 10-5.570	Air Conservation Commission		34 MoReg 199		
10 CSR 10-6.045	Air Conservation Commission		34 MoReg 205		
10 CSR 10-6.060	Air Conservation Commission		33 MoReg 2192		
10 CSR 10-6.061	Air Conservation Commission		33 MoReg 1960		
10 CSR 10-6.100	Air Conservation Commission		33 MoReg 2204		
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10 CSR 10-6.260	Air Conservation Commission		34 MoReg 208		
10 CSR 10-6.320	Air Conservation Commission		34 MoReg 212R		
10 CSR 10-6.350	Air Conservation Commission		33 MoReg 2315		
10 CSR 10-6.360	Air Conservation Commission		33 MoReg 2316		
10 CSR 10-6.400	Air Conservation Commission		33 MoReg 1870		
10 CSR 10-6.410	Air Conservation Commission		33 MoReg 2206		
10 CSR 20-6.200	Clean Water Commission		34 MoReg 377		
10 CSR 20-7.031	Clean Water Commission	33 MoReg 2415	34 MoReg 379		
10 CSR 20-7.050	Clean Water Commission	33 MoReg 1855	33 MoReg 1870		
10 CSR 25-3.260	Hazardous Waste Management Commission		33 MoReg 2207		
10 CSR 25-4.261	Hazardous Waste Management Commission		33 MoReg 2209		
10 CSR 25-5.262	Hazardous Waste Management Commission		33 MoReg 2210		
10 CSR 25-6.263	Hazardous Waste Management Commission		33 MoReg 2214		
10 CSR 25-7.264	Hazardous Waste Management Commission		33 MoReg 2215		
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10 CSR 25-7.266	Hazardous Waste Management Commission		33 MoReg 2222		
10 CSR 25-7.268	Hazardous Waste Management Commission		33 MoReg 2223		
10 CSR 25-7.270	Hazardous Waste Management Commission		33 MoReg 2223		
10 CSR 25-11.279	Hazardous Waste Management Commission		33 MoReg 2225		
10 CSR 25-12.010	Hazardous Waste Management Commission		33 MoReg 2226		
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10 CSR 60-4.090	Safe Drinking Water Commission		33 MoReg 1991 This Issue		
10 CSR 60-4.092	Safe Drinking Water Commission		33 MoReg 1996 This Issue		
10 CSR 60-4.094	Safe Drinking Water Commission		33 MoReg 1996 This Issue		
10 CSR 60-5.010	Safe Drinking Water Commission		33 MoReg 2006 This Issue		
10 CSR 60-7.010	Safe Drinking Water Commission		33 MoReg 2006 This Issue		
10 CSR 60-8.010	Safe Drinking Water Commission		33 MoReg 2010 This Issue		
10 CSR 60-8.030	Safe Drinking Water Commission		33 MoReg 2014 This Issue		
10 CSR 60-9.010	Safe Drinking Water Commission		33 MoReg 2018 This Issue		
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11 CSR 45-5.053	Missouri Gaming Commission	33 MoReg 2303	33 MoReg 2318	34 MoReg 618	
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11 CSR 45-9.010	Missouri Gaming Commission		33 MoReg 2320	34 MoReg 619	
11 CSR 45-9.020	Missouri Gaming Commission		33 MoReg 2320	34 MoReg 619	
11 CSR 45-9.030	Missouri Gaming Commission	33 MoReg 2305	33 MoReg 2320	34 MoReg 620	
11 CSR 45-9.040	Missouri Gaming Commission	33 MoReg 2305	33 MoReg 2322	34 MoReg 623	
11 CSR 45-11.020	Missouri Gaming Commission	33 MoReg 2306	33 MoReg 2323	34 MoReg 623	
11 CSR 45-11.050	Missouri Gaming Commission	33 MoReg 2306	33 MoReg 2326	34 MoReg 625	
11 CSR 80-5.010	Missouri State Water Patrol		34 MoReg 282		
11 CSR 85-1.010	Veterans' Affairs		34 MoReg 284		
11 CSR 85-1.015	Veterans' Affairs		34 MoReg 285		
11 CSR 85-1.020	Veterans' Affairs		34 MoReg 285		
11 CSR 85-1.040	Veterans' Affairs		34 MoReg 286		
11 CSR 85-1.050	Veterans' Affairs		34 MoReg 286		
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12 CSR 10-7.250	Director of Revenue		33 MoReg 2018R	34 MoReg 558R	
12 CSR 10-7.260	Director of Revenue		33 MoReg 2019R	34 MoReg 558R	
12 CSR 10-7.320	Director of Revenue		34 MoReg 215R		
12 CSR 10-16.170	Director of Revenue		34 MoReg 215R		
12 CSR 10-23.100	Director of Revenue		33 MoReg 2232	34 MoReg 559	
12 CSR 10-41.010	Director of Revenue	33 MoReg 2307	33 MoReg 2326	This Issue	
12 CSR 10-43.030	Director of Revenue		33 MoReg 2019	34 MoReg 559	
12 CSR 10-103.380	Director of Revenue		33 MoReg 2020R	34 MoReg 559R	
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13 CSR 30-3.020	Child Support Enforcement *(Changed to 13 CSR 40-3.020)*		34 MoReg 16		
13 CSR 40-2.390	Family Support Division	33 MoReg 1941	33 MoReg 2021	This Issue	
13 CSR 40-3.010	Family Support Division *(Changed from 13 CSR 30-3.010)*		34 MoReg 16		
13 CSR 40-3.020	Family Support Division *(Changed from 13 CSR 30-3.020)*		34 MoReg 16		
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13 CSR 70-3.190	MO HealthNet Division		34 MoReg 608		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-10.016	MO HealthNet Division	33 MoReg 2083	33 MoReg 1429	33 MoReg 2370	
13 CSR 70-15.200	MO HealthNet Division		33 MoReg 2430		
13 CSR 70-20.320	MO HealthNet Division	33 MoReg 1856	33 MoReg 1871	34 MoReg 625	
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 2331		
13 CSR 70-60.010	MO HealthNet Division		34 MoReg 286		
13 CSR 70-70.010	MO HealthNet Division		33 MoReg 2235		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 2331		
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16 CSR 50-10.010	The County Employees' Retirement Fund		34 MoReg 217		
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16 CSR 50-10.050	The County Employees' Retirement Fund		33 MoReg 1877	34 MoReg 238	
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19 CSR 20-3.080	Division of Community and Public Health		33 MoReg 2337	This Issue	
19 CSR 20-28.010	Division of Community and Public Health		33 MoReg 2023	34 MoReg 312	
19 CSR 20-28.030	Division of Community and Public Health		33 MoReg 2032R	34 MoReg 313R	
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19 CSR 20-44.010	Division of Community and Public Health		34 MoReg 288		
19 CSR 30-20.096	Division of Regulation and Licensure		33 MoReg 2343		
19 CSR 30-26.010	Division of Regulation and Licensure		33 MoReg 2348		
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20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150 33 MoReg 2446
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150 33 MoReg 2446
20 CSR 100-1.060	Insurer Conduct		33 MoReg 1877	This Issue	
20 CSR 100-1.070	Insurer Conduct		33 MoReg 1879	This Issue	
20 CSR 200-1.116	Insurance Solvency and Company Regulation		33 MoReg 2358	This Issue	
20 CSR 200-12.020	Insurance Solvency and Company Regulation		33 MoReg 2237		
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20 CSR 400-2.200	Life, Annuities and Health		34 MoReg 542		
20 CSR 500-7.030	Property and Casualty	33 MoReg 2085	33 MoReg 2238		
20 CSR 500-7.080	Property and Casualty	33 MoReg 2085	33 MoReg 2238		
20 CSR 600-1.030	Statistical Reporting		33 MoReg 1882		
20 CSR 700-3.200	Insurance Licensing	34 MoReg 274	34 MoReg 309		
20 CSR 2030-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		34 MoReg 45		
20 CSR 2065-1.030	Endowed Care Cemeteries		33 MoReg 1337	33 MoReg 2048	
20 CSR 2095-1.060	Committee for Professional Counselors		34 MoReg 45R 34 MoReg 45		
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20 CSR 2095-1.070	Committee for Professional Counselors		34 MoReg 59		
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20 CSR 2095-2.010	Committee for Professional Counselors		34 MoReg 63R 34 MoReg 63		
20 CSR 2095-2.020	Committee for Professional Counselors		34 MoReg 67		
20 CSR 2095-2.021	Committee for Professional Counselors		34 MoReg 68		
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20 CSR 2110-2.050	Missouri Dental Board		34 MoReg 127		
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20 CSR 2165-2.040	Board of Examiners for Hearing Instrument Specialists		34 MoReg 225		
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2 CSR 90-10.011	Inspection Authority—Duties	33 MoReg 2081	Oct. 25, 2008	April 22, 2009
2 CSR 90-10.012	Registration—Training	33 MoReg 2082	Oct. 25, 2008	April 22, 2009
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10 CSR 20-7.031	Water Quality Standards	33 MoReg 2415	Nov. 22, 2008	May 20, 2009
10 CSR 20-7.050	Methodology for Development of Impaired Waters List	33 MoReg 1855	Jan. 2, 2009	June 30, 2009
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11 CSR 40-2.025	Installation Permits	34 MoReg 175	Jan. 1, 2009	June 29, 2009
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11 CSR 45-5.053	Policies	33 MoReg 2303	Nov. 15, 2008	May 13, 2009
11 CSR 45-6.040	Five Hundred Dollar-Loss Limit	33 MoReg 2304	Nov. 15, 2008	May 13, 2009
11 CSR 45-8.120	Handling of Cash at Gaming Tables	33 MoReg 2304	Nov. 15, 2008	May 13, 2009
11 CSR 45-9.030	Minimum Internal Control Standards	33 MoReg 2305	Nov. 15, 2008	May 13, 2009
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facilities and HIV Nursing Facility Reimbursement Rates	33 MoReg 2083	Oct. 13, 2008	April 10, 2009
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15 CSR 60-15.020	Form of Affidavit	This Issue	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.030	Complaints	This Issue	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.040	Investigation of Complaints	This Issue	March 12, 2009	Sept. 7, 2009
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19 CSR 30-86.022	Fire Safety Standards for Residential Care Facilities and Assisted Living Facilities	34 MoReg 7	Dec. 4, 2008	June 1, 2009
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19 CSR 40-11.010	Payments for Vision Examinations	34 MoReg 271	Jan. 19, 2009	July 17, 2009

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Department of Insurance, Financial Institutions and Professional Registration				
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20 CSR 400-1.170	Recognition of Preferred Mortality Tables in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	34 MoReg 175	Dec. 31, 2008	June 28, 2009
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20 CSR 500-7.030	General Instructions	33 MoReg 2085	Jan. 1, 2009	June 29, 2009
20 CSR 500-7.080	Insurer's Annual On-site Review	33 MoReg 2085	Jan. 1, 2009	June 29, 2009
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20 CSR 700-3.200	Continuing Education	34 MoReg 274	Jan. 18, 2009	July 16, 2009
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22 CSR 10-2.050	PPO and Co-Pay Benefit Provisions and Covered Charges	34 MoReg 176	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges	34 MoReg 177	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.060	PPO, HDHP, and Co-Pay Limitations	34 MoReg 178	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.075	Review and Appeals Procedure	34 MoReg 178	Jan. 1, 2009	June 29, 2009
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22 CSR 10-3.075	Review and Appeals Procedure	34 MoReg 179	Jan. 1, 2009	June 29, 2009

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	2009		
09-14	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	March 5, 2009	Next Issue
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	This Issue
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	This Issue
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Social Services	February 4, 2009	34 MoReg 590
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	34 MoReg 588
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	34 MoReg 585
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277
	2008		
08-41	Extends Executive Order 07-31 until January 12, 2009	January 9, 2009	34 MoReg 275
08-40	Extends Executive Order 07-01 until January 1, 2010	December 17, 2008	34 MoReg 181
08-39	Closes state offices in Cole County on Monday, January 12, 2009	December 3, 2008	34 MoReg 11
08-38	Amends Executive Order 03-17 to revise the composition of the committee to include the Divisional Commander of the Midland Division of the Salvation Army or his or her designee	November 25, 2008	34 MoReg 10
08-37	Orders the Department of Natural Resources to develop a voluntary certification program to identify environmentally responsible practices in Missouri's lodging industries	November 13, 2008	33 MoReg 2424
08-36	Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	33 MoReg 2313
08-35	Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	33 MoReg 2311
08-34	Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	33 MoReg 2309
08-33	Advises that state offices will be closed on Friday, December 26, 2008	October 29, 2008	33 MoReg 2308
08-32	Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	33 MoReg 2088
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861

Executive Orders	Subject Matter	Filed Date	Publication
08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859
08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401

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